

UNCORRECTED PROOF ISSUE

LC Wednesday 10 September 2014 - Estimates Committee B (Goodwin)

LEGISLATIVE COUNCIL

ESTIMATES COMMITTEE B

Wednesday 10 September 2014

MEMBERS

Mrs Armitage
Mr Dean
Mr Finch
Mr Hall
Ms Rattray
Mrs Taylor (Chair)
Mr Valentine

IN ATTENDANCE

Dr the Hon. Vanessa Goodwin MLC, Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts

Department of Justice

Simon Overland, Secretary
Robert Williams, Deputy Secretary
Ginna Webster, Deputy Secretary
Dale Webster, Director of Building Control
Kerry Worsley, Manager, Crown Law
Mark Cocker, Director, Consumer Affairs and Fair Trading
Katherine Drake, Acting Director, Monetary Penalties Enforcement Service
Catherine Vickers, Director, Office of Legislation Development and Review
Dr Graham Hill, Director, Legal Aid Commission of Tasmania
Stephen Morrison, Director, Finance
Richard Connock, Ombudsman
Diane Merryfull, Chief Executive Officer, Integrity Commission
Daryl Coates, Acting Director of Public Prosecutions (Criminal)
Paul Turner, Assistant Director of Public Prosecutions (Civil)
Pam Honan, Director, Community Corrections
Greg Partridge, Assistant Director of Prisons
Martha Robson, Manager, Victims Support Services
Wayne Johnson, Administrator of Courts (Magistrates)

Jim Connolly, Registrar, Supreme Court of Tasmania
Tom Saltmarsh, Registrar, Mental Health Tribunal
Michael Flood, Programme Manager, PIRP Stage D
Jo Maxfield, Chief Superintendent, Tasmanian Prison Service
Kay Cuellar, Manager, Integrated Offender Management
Jennifer Lee, Director, Executive Support and Communications
Gavin Wailes, Assistant Director, Finance
Ann Owen, Registrar of Births, Deaths and Marriages
Gayle Johnston, General Counsel, Integrity Commission
Glen Dean, Finance Director, Corporate Services
Robin Banks, Anti-discrimination Commissioner
Mr Julian Type, Electoral Commissioner
Gayle Johnston, General Counsel, Integrity Commission

Department of Arts

Jacqui Allen, Deputy Secretary Culture, Recreation and Sport
Karena Slaninika, Director Screen Tasmania
Jennifer Storer, Acting Director, TMAG
Katherine Hough, Director - Arts Tasmania
Glen Dean, Director of Finance - Department of State Growth

Ministerial Staff

Stuart Clues, Chief of Staff
Gary Hancl, Corrections Adviser
Kristy Bourne, Justice Adviser
Andrew Mitchell, Senior Adviser

The committee met at 9 a.m.

CHAIR (Mrs Taylor) - Welcome, Attorney-General. We see you as a colleague as well in the House so it is a bit different from some of the other ministers. Could you introduce the people at the table with you for the sake of *Hansard* and then you might give us an overview of your portfolio, and in particular, would you pay some attention to your Budget saving strategies - strategically how and where you are doing that.

Dr GOODWIN - On my right is the Secretary of the department, Simon Overland. On my left is Ginna Webster, the Deputy Secretary of the Administration of Justice, and Robert Williams, the Deputy Secretary of Corrective Services.

Madam Chair, I am absolutely delighted to have this portfolio, given my own background in law and criminology. It is an honour and a privilege. It does feel a little odd to be on this side of the table with all my colleagues on the other side. I am looking forward to the experience today.

This is a very interesting portfolio. There is an interesting mix of tribunals, independent statutory offices, the judiciaries, all very important work, often in the media spotlight, often unrecognised work that is done by officers within the department.

UNCORRECTED PROOF ISSUE

We have a very important legislative program. Over 50 per cent of the legislation that comes through the Parliament comes through the A-G Justice portfolio so it is a very important portfolio in terms of the Government's legislative agenda.

I want to touch on what our forward program is, in terms of work placement. Yesterday, I made an announcement regarding the right to appeal legislation. I can talk more about that as we get into the session but it is trying to address the issue we have at the moment where the only avenue of appeal, after all other avenues have been exhausted, is the providence of mercy which has been criticised on a number of grounds, not the least of which being the perception that it can be a political process, rather than a legal right to have an automatic review, if there is pressing and compelling evidence and an indication that there has been a substantial miscarriage of justice. I have been looking at the South Australian right to appeal legislation which is commonly known and intend to draft legislation and have it out for consultation probably by the end of the calendar year.

We have already amended the Criminal Code to introduce a crime that is interference with a war memorial. We have the Sentencing Amendment Act Bill to provide for mandatory sentencing for persons who cause serious injury to a police officer. That is with the Council and yet to be considered. In terms of forward planning, I propose to introduce an amendment to the Anti-Discrimination Act 1998 to provide for an exception for non-government faith-based schools to give preference in admissions to students of that faith. You might recall we debated an amendment along those lines last year from my side of the fence.

Also, there will be an amendment to the Corrections Act to allow for victims of crime representatives to be appointed to the Parole Board. That is a longstanding policy commitment of ours. In fact it was initiated by Michael Hodgman so it is a policy commitment we have had for some time to give victims a stronger voice as part of the parole process. That bill will be coming before Parliament soon.

There will be a court security bill to update and consolidate security processes in Tasmanian courts and tribunals. There will be amendments to the Coroners Act to update the act, and amendments to the Family Violence Act. These amendments have been around for some time and stakeholders have suggested they are necessary. I think some of them emerge from the previous review of the act, so it will be important to progress those, because they have been waiting to be attended to for some time.

Amendments to the Forensic Procedures Act 2000 will allow for the taking of samples from children under 10 years of age, in certain circumstances.

There will be a justice and related miscellaneous amendments bill; we have one or two of those every year. Finally, there will be a Kennerley Children's Trust validation bill.

There is also work in progress on substantial law reform projects including implementing national law reform to recognise domestic violence orders across jurisdictions; Tasmania is the lead jurisdiction on that project.

Another one that has been on books for a while, is reforming the Justices Act 1959 and replacing it with a modern magistrates' court criminal and general division act. Also, reforming the civil law in the area of limitations, so there is quite a bit of work to be done there.

UNCORRECTED PROOF ISSUE

Coming into a new role and after a period of some 16 years where we haven't been in government, it's been an interesting process to discover some areas that need to be attended to and to make some changes in policy direction. One of those that you would be well aware of is our policy to phase out suspended sentences progressively and phase in a range of alternatives. I have asked the Sentencing Advisory Council to do a significant body of work. We are looking at the use of suspended sentences not just here but also interstate and in other jurisdictions, and to also examine a range of potential alternatives for Tasmania. That will be a significant piece of work and it will provide a strong evidence base to help inform us of what options might be suitable for Tasmania.

CHAIR - Thank you.

Dr GOODWIN - You did ask me to go through the savings measures.

CHAIR - Yes, the budget saving strategies.

Dr GOODWIN - Yes, I talked about that.

CHAIR - I noticed that you are trying save \$20 million over the period and \$2.7 million is the target for this financial year.

Dr GOODWIN - What I did yesterday was to run through the particular measures for each output just to give you a bit of an idea of what they are.

CHAIR - Members might ask you further questions about them when they get those outputs, but if you could give us the background for a start that would be of help.

Dr GOODWIN - I can give you a bit of an overview and then we come to the outputs we can go into more detail if you like.

CHAIR - Yes.

Dr GOODWIN - For Supreme Court services for 2014-15: operational efficiencies, \$30 000 and the wage saving policy, \$20 000.

Mr DEAN - What was that \$30 000 for?

Dr GOODWIN - Operational efficiencies, and the \$20 000 is for the wages saving policy. We can probably table a version of this for you.

CHAIR - Okay, good.

Dr GOODWIN - For 2015-16 and the forward Estimates that increases to \$125 000 for operational efficiencies and the wages saving policy is \$46 000.

CHAIR - What kind of operational efficiencies are you talking about? Sorry, I should leave that perhaps until we get to the line item.

Dr GOODWIN - All right. For magisterial court services, operational efficiencies for 2014-15 are \$50 000 and the wages saving policy figure is \$27 000. That increases to \$195 000

UNCORRECTED PROOF ISSUE

in 2015-16 and over the forward Estimates. The wages saving policy figure is \$55 000 for 2015-16 and the same for 2016-17. In 2017-20 the figure is actually \$53 000.

Births, Deaths and Marriages - the wages saving policy - \$4 000 for 2014-15 and that increases to \$5 000 over the forward Estimates. Support and compensation for victims of crime - that is \$9 000 in the wages saving policy, increasing to \$19 000 in 2015-16 and then it is \$18 000 for the following two years.

Legal Aid - there is the board cost reduction of \$19 000 in 2014-15 and over the forward Estimates, moving to a skills-based board for Legal Aid. It does not currently have a skills-based board. The wages saving policy figure is \$46 000 in 2014-15, increasing to \$84 000 in 2015-16 then \$83 000 in 2016-17 and \$81 000 in 2017-18.

Protective Jurisdictions - this includes the Mental Health Tribunal, the Guardianship and Administration Board and the Public Guardian. There is a wages saving policy figure of \$13 000 in 2014-15, which goes to \$20 000 in 2015-16 and then \$19 000 for 2016-17 and the following year.

The Anti-Discrimination Commissioner - the wages saving policy figure is \$9 000 in 2014-15, increasing to \$15 000 for the outer years. Also in 2015-16 the co-location of the Integrity Commission kicks in - the integrity entities, it should be - with savings of \$134 000 across the remaining two years, 2016-17 and 2017-18.

Elections and referendums - operational efficiencies of \$30 000 in 2014-15 and then across the forward Estimates, \$125 000. Wages saving policy figures - \$4 000 in 2014-15 and \$5 000 for the remaining years.

Crown Law - wages saving policy figure of \$20 000 in 2014-15, then \$33 000 in 2015-16, \$33 000 for 2016-17 and \$32 000 in 2017-18.

Legislative Development and Review - wages saving policy figure of \$6 000 in 2014-15 and then \$12 000 for the other years.

Enforcement of monetary penalties - wages saving policy figure of \$13 000 in 2014-15, then \$19 000 in 2015-16 and 2016-17 and \$18 000 in 2017-18.

Consumer Services - redesign of service models - operational efficiencies of \$372 000 in 2014-15 increasing to \$744 000 across the forward Estimates. The wages saving policy figure there is \$14 000 in 2014-15, \$18 000 in 2015-16 and 2016-17 and \$17 000 in 2017-18.

Supervision of poppy and hemp crops - the wages saving policy figures are nothing in 2014-15 but \$5 000 in 2015-16, \$4 000 in 2016-17 and \$4 000 in 2017-18.

Overheads - redesign of rural library services - operational efficiencies are nothing in the first year, but \$295 000 in 2015-16 and the following years, and the wages saving policy figures are \$46 000 in 2014-15, \$80 000 in 2015-16 and 2016-17 and \$78 000 in 2017-18.

CHAIR - Tania, you had a general question?

[9.15 a.m.]

UNCORRECTED PROOF ISSUE

Ms RATTRAY - The wages savings policy - is that the same as the pay pause?

Dr GOODWIN - Yes.

Ms RATTRAY - I know this is an overarching question, but are judges, the Solicitor-General and the like included in the pay pause policy? I am trying to understand how that works.

Dr GOODWIN - No, they are not. Their system of remuneration is outside the normal State Service system. They have their own legislation and their salary levels are linked to Western Australia and South Australia.

Mr OVERLAND - It is the average of the increases awarded to the Chief Justice in South Australia and Western Australia on an annual basis and then determined by the Auditor-General here. It flows through to our Chief Justice and then all the other salaries are referenced from the Chief Justice of Tasmania's salary through a formula that was set many years ago.

For policy reasons, the government determined not to upset that arrangement because it is a little unusual; it is statutorily based under the Supreme Court Act, the Magistrates Court Act, the DPP Act and the Solicitor-General's Act.

Ms RATTRAY - Magistrates are exempt, so tell me who in your departments - right across the agency, there is virtually no-one? Just the public servants?

Dr GOODWIN - In terms of those particular judicial and related positions, it includes the DPP and our Solicitor-General.

Ms RATTRAY - All Supreme Court judges, all magistrates?

Dr GOODWIN - They are all linked to that formula, as I understand it.

Ms RATTRAY - With all due respect to those people - all people who could afford to have a pay pause - are exempted.

Dr GOODWIN - It was a policy decision made by the Treasurer out of reluctance to interfere with the separation of powers with judges and magistrates having their own formula, which has been in place for some years and was put there to be consistent with the whole idea of separation of powers.

Mr DEAN - There was a particular formula in place for everyone else as well.

CHAIR - That is probably a question for the Treasurer, rather than for the Auditor-General. We will not go there but you are quite right; I am not entering into a debate but the member for Apsley is making a point.

Ms RATTRAY - Attorney-General, did you as minister of those departments and those areas have a discussion with the Treasurer about including those areas for what everyone else is expected to be taking in framing the budget.

Dr GOODWIN - Those discussions would form part of the Budget deliberations and be Cabinet in confidence.

Ms RATTRAY - So you probably did have a discussion?

CHAIR - Was that a yes or a no?

Dr GOODWIN - No comment.

CHAIR - It is worrying when the minister says, 'No comment'.

Dr GOODWIN - It is part of the Budget deliberations, so it would not be appropriate for me to discuss it.

CHAIR - I hope you are not going to use that sentence a lot today, Attorney-General.

Dr GOODWIN - Only if it is related to Cabinet.

CHAIR - I will make a general comment, though, about the wage pause. In fact, that is the holding cost, is it not? In some of these Budget forecasts, this year's and in forward Estimates, there is actually a decrease in spending. A wage pause does not mean a decrease, does it? It just means holding the wages at that point; it does not lower the Budget, does it, because they have stayed the same?

Mr OVERLAND - The wage increases had been factored into the forward Estimates at the rate of 2 per cent across the board. If there is no increase, in effect, the 2 per cent comes out of the forward Estimates, so it is a real reduction.

Mr DEAN - I have an overview question about the number of consultancies and contracts throughout the department for the year.

Dr GOODWIN - I can break this up into component parts. We have a split for July - December 2013 of 542 134 Tasmanian consultants.

Mr DEAN - Can we have what they were for as you go through.

Dr GOODWIN - Yes, I will. I was giving the overarching figures so you can see how it tracks for the various parts of the year and since we came into government. I will start with the total.

Total cost of consultancies valued at over \$10 000 in the 12 months to the 30 June was \$1 023 774.

I will go back to this split of Tasmanian and non-Tasmanian.

For July - December 2013 \$542 134 for Tasmanian; January - March 2014, \$142 597; and April - June 2014, \$67 100. So a total of \$751 831 for Tasmanian consultants.

Non-Tasmanian consultants in July - December 2013 \$261 293; zero between January - March 2014; and \$10 650 from April - June. So a total of \$271 943.

These are details of consultancies July - December by output.

Crown Law - Quill Australia Pty Ltd, \$16 668, (Tasmanian); Community Corrective Service - Shaping Change, \$11 010, (Tasmanian); supervision of poppy and hemp crops - John Ramsay & Associates \$53 919 (that would be the Ramsay Review which you are probably familiar with); Tasmanian Planning Commission - Futago, \$13 150 (Tasmanian); Hill PDA, \$14 800 (not Tasmanian); Icon Strategic Solutions Pty Ltd, \$108 384 (not Tasmanian); Workplace Standards - Building & Property Pty Ltd, \$13 431 (Tasmanian); WorkCover Tasmania Board - Bracton Consulting Services Pty Ltd, \$48 845 (not Tasmanian); Jeffrey HR, \$67 000 (Tasmanian); and KPMG, \$75 500 (Tasmanian).

I would mention that the Tasmanian Planning Commission, Workplace Standards and the WorkCover Board come under the Treasurer.

Prisons Infrastructure Development Program - CTG Security Matrix, \$89 264 (not Tasmanian); Exsto Management, \$31 850 (not Tasmanian); Marsh Pty Ltd, \$29 336 (Tasmanian); Matrix Management Group Pty Ltd, \$126 417 (Tasmanian); Peter Angus Pty Ltd, \$12 800 (Tasmanian); Launceston Reception Prison - Xsquared Architects Pty Ltd, \$68 838, (Tasmanian); and Medium Security Accommodation - Xsquared Architects Pty Ltd, \$22 215 (Tasmanian).

January - March 2014 - Crown Law - Deloitte Touche Tomatsu, \$10 479, (Tasmanian); WorkCover - Joovay Pty Ltd, \$119 318 (Tasmanian); and Corporate Services - Xsquared Architects Pty Ltd, \$12 800 (Tasmanian).

April - June 2014 - Supreme Court Service - Jacob Allom Wade Pty Ltd, \$32 100 (Tasmanian); Tasmanian Planning Commission - Northern Tasmanian Development, \$35 000 (Tasmanian); and WorkCover Tasmania Board - Finity Consulting, \$10 650 (not Tasmanian).

Mr DEAN - It seems an inordinate number of contracts and consultants. Are we likely to see a similar amount going through into this financial year, or is that going to be a constraining factor in saving money?

CHAIR - We did hear an overarching statement from the Government saying they were going to try to reduce the number of consultancies.

Dr GOODWIN - Some of those were related to the prison redevelopment infrastructure programs of the PIRP Stage D, and also the Launceston reception prison needed some important aspects fixed. A number are not mine, so I can't really -

Mr DEAN - Who signs off on them over a certain amount? Is it signed off by you, minister, or by the secretary?

Dr GOODWIN - I'll get Mr Overland to talk about that process

Mr OVERLAND - There are both financial delegations and also authority to enter into contracts on behalf of the Crown. There are formal delegation arrangements through the department. My delegation limit is \$2 million, so I can enter into contracts on behalf of the Crown up to the value of \$2 million. Anything above that would need to go through to the minister, but as we have indicated there, all the contracts we have entered into are well below that, although some of the earlier contracts around PIRP D were for very large sums of money, and

needed to go the minister as I understand it, but not in this financial year. We are getting toward the end of the PIRP development at the prison, and that will conclude this year.

We look very carefully at all our consultancies. Cumulatively, I agree, it is over \$1 million, but it is across the whole department; we are a very broad department and there are quite a number of outputs. The work being done in each case is looked at very carefully and justified.

CHAIR - I think Mr Dean's question related to the future, not the past. Obviously you are not responsible for what happened before March this year, but his question was, what is the intention in terms of consultancies? Will you try to do as much internally as you can?

Dr GOODWIN - We are very conscious of the need to save money; that is the financial environment that we are operating in. I will make the point that from time to time, we need external advice, or consultants to undertake work because you want to have impartiality or the perception at least that there is external involvement in it. I do not foresee a time when we will not have consultancies, but the department will continue to be very rigorous in its consideration, and so will I whenever we need external advice.

Mr DEAN - Harking back to my previous question, who identifies or establishes whether or not there has been value for money in the consultancies that have been undertaken? Who is the sole arbiter for that?

Mr OVERLAND - Value for money is part of the overall responsibility we have around contract management. So when we enter into contracts, it is obviously a contract for supply, normally of services, in most cases. There are deliverables clearly specified in the contract so that we are clear about what it is we are purchasing, and what we expect to receive for that. We manage those contracts to make sure that we do receive the services that we contracted for to the standard we specified in the contract. Ultimately there is a range of accountability - the Auditor-General can and does look at these things from time to time. There are various integrity regimes across government if there is a suggestion of anything untoward, improper or inappropriate in these arrangements.

Mr DEAN - Have any ever been challenged, to your knowledge?

Mr OVERLAND - Yes.

Mr WILLIAMS - We have a procurement review committee which I chair, which involves people within the department, including the Finance Director; people have to put a submission up to this committee. One of the aspects is value for money. We don't always take the cheapest contract, because we also look at the quality and the reputation of the firm involved. We try to choose Tasmanian firms wherever possible, so value for money is sometimes an overriding factor when we look at price. The cheapest is not always best.

CHAIR - Mr Dean's question relates to afterwards - not how you award the contract, but whether anyone checks afterwards. Obviously, you would do that yourself, but is there a system that checks afterwards? The Auditor-General in the long term might do it, in putting out a report.

[9.30 a.m.]

Mr OVERLAND - The answer is yes, we manage our contracts through the life of the contract, and there are occasions where we have ended in dispute with contractors over the

provision of services because we have not been satisfied with the service we have received. Mr Williams might be able to elaborate, but I am sure we have entered some arrangements in relation to the PIRP development because we were not satisfied with the level of service that we were getting.

Mr WILLIAMS - Yes, we have, but also previously we have had tender processes where people have approached us and said that they didn't feel that the tender process got the outcome that they thought it should, and so we have gone through a review process. It comes up through quite a formal structured process to this procurement review committee. We also report in forums like this on consultancies and all consultancies in the department have to be authorised by one of the three of us here at the table - the secretary or the two deputies. We keep it a fairly high level for those sorts of consultancies. As Mr Overland said, there is a decreasing scale of delegations down through the department. I don't personally sign off on the milk contract for the prison, someone else has that delegation.

CHAIR - Robert, getting back to whether there is a reporting mechanism afterwards that says, 'Yes, we got value for money here'?

Mr WILLIAMS - There are post-implementation reviews on major projects such as the prison redevelopment project, there will be a closure process at the end that will go through to check those sorts of things. On those big projects, one of the consultancies listed here, Matrix, we hired a professional firm to come in and give us ongoing assessments as to whether we are getting value for money from the building industry when we get a tender in. We get an independent view. We do have processes, especially for the big projects. Value for money: at the lower end we might get, say, three quotes for a milk service and then choose the one that gives us the best value.

Mr DEAN - I accept the process you have. What about the processes that you have in place where the consultancy reports are completed to ensure that what has been recommended and has come out of that consultancy process has been used and has been of any benefit at all to the organisation which it was done for? Many of these reports are simply stuck on a shelf, gather dust and that is about it.

Dr GOODWIN - That could be the fault of the government of the day, of course.

Mr DEAN - I am not being political here.

Dr GOODWIN - There could be many reasons why reports might not come off the shelf. It illustrates the point of having a good contract in place; if there are any issues with whatever the work is and if it happens to be a report of some description and it comes back and is a shoddy piece of work, then you want to make sure that you have a good contract in place so you can take that up. Whether the report is used or not, there could be a whole range of reasons why it would not be used.

Mr DEAN - Then why have it done in the first place if that is the case? It is not the place here today, but I would like to go into all of those and find out what happened with those consultancies and whether any of their recommendations were implemented and whether they had any value at all. I will do that in another way.

UNCORRECTED PROOF ISSUE

Dr GOODWIN - We can ensure that more detail is forwarded to you as to what exactly they are for, but many of them would have related to the prison.

CHAIR - The point of my question following up from that was: does someone report back and is it to you or to the head of the department, where does the reporting go back to?

Mr OVERLAND - It is ultimately to me as the secretary of the department to be satisfied that we get value for money from our contracts. I do make the point that we have milestones; payments are contingent on delivery of particular milestones. We do challenge. We don't pay if we don't feel we have the deliverables. There is strong accountability around the consultancies and around what gets delivered out of them.

Dr GOODWIN - Often, parliamentary oversight. For example, if I make an announcement tomorrow that I am going to get a report done on *x*, *y* and *z*, then I am sure members in this place and in the other place will ask me about that report and the recommendations and how many have been implemented and why haven't they been implemented. So there is that capacity for oversight externally as well as within the department.

Mr WILLIAMS - You asked about reporting. All contracts over \$50 000 are reported in our annual report. That opens it up for people to question it. You will also find that people who have tendered for these processes are watching what goes on if they were not successful.

Mr VALENTINE - A supplementary to this one. You mentioned that you undertake post-implementation reviews. Do you follow the project management guidelines the office of e-government put together?

Mr WILLIAMS - They were adopted as our project management guidelines. A milk tender, for example, for the prison -

Mr VALENTINE - No, I mean for projects.

Mr WILLIAMS - For projects we do.

Mr VALENTINE - Not necessarily tendering, which obviously is governed by other restrictions. I was interested in your major project management regime and whether you follow those guidelines.

Mr WILLIAMS - We do.

Mr VALENTINE - You do? Excellent, thanks.

CHAIR - Thank you for that over-arching question. Do you have another over-arching question?

Mr DEAN - Were there any major staffing changes within the department through the year, minister?

Dr GOODWIN - Yes, we can get you that detail.

Mr DEAN - Increases in staffing or decreases in staffing and major changes.

Dr GOODWIN - It's a race to see who gets the brief first.

An advisor - I have it.

Ms RATTRAY - They usually come from behind quicker.

Mr DEAN - These questions were probably all asked yesterday.

Dr GOODWIN - The 2013-14 reporting period has seen an increase in total staffing across the department of 17.88 FTEs.

Mr DEAN - That's an increase?

Dr GOODWIN - Yes, this is due mainly to an increase in recruitment of correctional staff. During the year there has been increased funding for certain areas of the department, however this has been offset by staffing reductions in other parts of the department. There has also been a structural re-organisation of a number of functions within the department, resulting in the movement of positions between outputs. You would have seen the restructured outputs in the Budget papers. I will just run through the staffing levels.

Administration of justice at 30 June 2014 - 272.89 FTEs, and that is a head count of 331. Would you like me to run through the individual areas, like the Anti-Discrimination Commission, Birth, Deaths and Marriages, et cetera?

Mr DEAN - I think the document could be tabled.

CHAIR - Yes, if you table those that would be good. Members might ask questions about that as they go through their individual line items. If we can go output group 1, Administration of Justice. We can start with 1.1 - Supreme Court services.

Output group 1
Administration of Justice

1.1 Supreme Court services -

Mr VALENTINE - How much has been saved here through the restructure, when the budget allocation has risen by \$195 000 from last year's budget. Can give us an understanding as to how much you have managed to save?

Dr GOODWIN - There hasn't been a restructure.

Mr VALENTINE - There was a general restructure, wasn't there?

Dr GOODWIN - Only in some outputs not right across the -

Mr VALENTINE - Not across the board?

Dr GOODWIN - No.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - So you have no restructuring happening with regard to administration services for Supreme Court?

Dr GOODWIN - Not within the Supreme Court, no.

Mr VALENTINE - That's status quo. So why the \$195 000?

Dr GOODWIN - Why don't we -

CHAIR - Your note says that - 'an adjustment to corporate overheads as a result of internal departmental restructure'.

Dr GOODWIN - There hasn't been any change in the structure of the Supreme Court services. I'll ask Mr Overland to explain what the note means.

Mr OVERLAND - There were two parts to the restructure. There was a formal organisational restructure that happened at two levels. One was at the senior management level, to change the structural arrangements there.

Mr VALENTINE - So administration?

Mr OVERLAND - Yes, the administration. When I arrived, there was a secretary's position and two deputy secretary positions. That continues to be the case. Mr Williams is the Deputy Secretary for Corrections and there has been a bit of reorganisation underneath him. Miss Ginna Webster is now the Deputy Secretary Administration of Justice, and that is a new role, previously it was a deputy secretary - corporate role. All the justice-related functions have been grouped under one deputy secretary. That does include the courts, the tribunals, Births, Deaths and Marriages, victims of crime services, Legal Aid, protective jurisdictions, the Anti-Discrimination Commissioner and the Electoral Commissioner.

We thought that was a better functional grouping, reporting through to the one deputy secretary. I still have a number outputs reporting directly to me - WorkSafe Tasmania, which I will talk about because there was a significant restructure there in terms of pushing together the old Workplace Standards and the WorkCover board. They used to be two separate structures. We have merged those into the one entity which WorkSafe Tasmania. That is part of the Treasurer's portfolio, with the significant restructure that took place there, and that reports directly to me because I am also ex-officio chair of the WorkCover board so it makes sense for me to take that and I also have the Planning Commission coming directly to me.

Mr VALENTINE - This portion, on 1.1, is a readjustment of corporate overheads. Is that what you are saying?

Mr OVERLAND - Yes, and we have also changed the output structure from last year. We previously had 13 output groups. We have gone to four which reflects the sort of corporate structure that I have described.

Mr VALENTINE - Given that, there is a \$195 000 increase. How can that rearrangement of corporate overheads result in a \$195 000 increase?

UNCORRECTED PROOF ISSUE

Mr OVERLAND - There is indexation that applies to most outputs so most outputs and groups will see an increase in funding. The Attorney-General has outlined that there are savings that need to be found in the Supreme Court so it is \$30 000 this year of efficiencies, plus the impact of the wage pause. That figure reflects some indexation but it also reflects the savings the Court is being asked to find.

Mr VALENTINE - It goes up by \$615 the following year. Is there some system that has been put in place or something skewing that? It seems to be a fair hike.

Dr GOODWIN - I overheard a reference about the twenty seventh pay in 2015-16.

Mr VALENTINE - That is in the note. I appreciate that. That is not over the whole of the 26 pays. It is interesting that you say this. The Government is providing for that payment.

Mr WILLIAMS - It goes out in the financial year.

Mr VALENTINE - It is interesting.

CHAIR - It is a 10 per cent increase.

Mr VALENTINE - It is interesting. There are two ways of approaching it. My experience in one department was that they took a bit off each pay - the 26 - to make up the 27th because people were getting a salary per year, not per fortnight. That was done on one occasion. It seems that the Government is providing the pay, so people are getting an extra pay for the year.

Mr WILLIAMS - The debt keeps going on a fortnightly basis, so while the financial year might cross over some of these pays sometimes, everyone gets paid each fortnight on the basis of that.

Mr VALENTINE - That's the way Government has chosen.

CHAIR - So, the following year are there only 25?

Mr VALENTINE - No, there will be 26.

Mr WILLIAMS - Back to 26.

Mr VALENTINE - Every so often there is an extra pay and there are different ways of handling it. Some may choose to draw on a salary of \$130 000 a year.

CHAIR - There are only 26 fortnights in any one year.

Mr VALENTINE - No, there are 27 in some years.

CHAIR - Then there would have to be 25 in the next one.

Mr VALENTINE - No, it is just a sequencing thing.

Ms RATTRAY - Can I have some understanding - if you have a salary per annum, why isn't it divided by whatever fortnights there are in any given year?

Mr VALENTINE - Because people come and go.

CHAIR - We will let the Department answer it.

Ms RATTRAY - I am sure the minister has some idea of that.

Mr WILLIAMS - Based on the 26 weeks - people get a fortnightly salary based on their annual wage and the financial year is like a sliding rule that moves across. It doesn't start on a fortnight of the beginning of the pay period or end on the fortnight. The financial year will start and end half way through a fortnight so you will sometimes get 26 pays in a financial year and 27, but no one receives any more than their fortnightly amount based on their annual salary.

Ms RATTRAY - Why do we need more in the budget if they don't get any more?

CHAIR - Because you do get extra pay.

Mr WILLIAMS - Because we pay it out in the financial year that it occurs.

Ms RATTRAY - So it is less the following year, like the member for Elwick said?

CHAIR - No, because a year isn't 365 days and isn't exactly 26 pays, is that correct?

Mr WILLIAMS - Yes.

CHAIR - So there are a few extra days.

[9.45 a.m.]

Ms RATTRAY - My basic question is: are people getting more than their annual salary?

Mr WILLIAMS - No, they only get their payment on a fortnightly basis, based on their annual salary so their fortnightly pay is the same, 26, they don't get any more in their pay packet each fortnight.

CHAIR - But once a year, if it happens to be one of those years where there are 27 pay periods.

Mr WILLIAMS - We have to pay out more because of 27 falling in the financial year but over time we don't pay anymore because people only ever get their annual salary divided by 26 each fortnight.

CHAIR - No, they don't.

Ms RATTRAY - You just said there is no decrease the following year.

CHAIR - They still get 26 the following year, so if they get 27 in one year they get an extra one.

Mr WILLIAMS - No, they don't get an extra pay, they get 27 pays in that financial year.

UNCORRECTED PROOF ISSUE

CHAIR - Yes, if you looked at your annual income you would actually have an extra pay.

Mr WILLIAMS - In the financial year but each fortnight they get one twenty-sixth of their annual salary and that doesn't change.

Mr VALENTINE - It might be that in one year they are getting one extra day which happens to be pay day and 13 of them fall in the other year. It is a strange system but it will be interesting to know whether the Government is actually consistent across the board with how they deal with these things. I know in the past it hasn't always been consistent. That is not for you to answer.

Mr WILLIAMS - It is probably for the Treasurer.

Mr VALENTINE - Operational efficiencies, \$30 000 - not a lot. Can you point to exactly what you are doing to gain that in Supreme Court services?

Dr GOODWIN - If I can make a general comment in relation to the operational efficiencies in the budget savings. They are matters to be worked through by the department in conjunction with the relevant section or unit, in this case Supreme Court services. Mr Overland might be able to make some general comments about the types of savings that will be looked for to fill this commitment.

Mr OVERLAND - It is \$30 000 this year going to \$125 000 next year; that is a more significant task. This comes on top of other savings we have been asked to find in previous Budgets so I think there is a further 1 per cent saving that is flowing through this year from previous budget decisions. Cumulatively over time, all the outputs in the department have been asked to find quite significant savings. The reason that it is \$30 000 this year and \$125 000 next year is that we will look first at trying to find further savings in administrative areas, such as use of vehicles, electricity, consumables, travel - those standard administrative overheads to see whether we can find further savings there. It is likely, to realise the full savings, we will have to have some reduction in FTEs. It will take us time to achieve that, which is why some of these savings are back-ended to the degree they are. The full effect comes in the next financial year and in the out years.

The Budget has only been out for a week or two so we are still very much in the process of working through each of the outputs to determine exactly how they will achieve their saving targets for this year and into the out years.

Mr VALENTINE - As we go further out between 2016-17 and 2017-18, there is another increase of \$163 000 with a drop of 11 in the middle there. Why the change there? It is not just indexation, or is it?

Mr OVERLAND - Primarily it is, and the figures that you have seen there also take account of the savings we have been asked to find. Without the savings, those increases would be more but costs do go up every year. Other than for the pay pause, there is an increase in wages each year which has been running above 2 per cent. It is not just the increase in salaries, it is also progressions. When you have a look at the way the progression payments work, I think something like 60 per cent of state servants access progressions as well as the annual CPI-type increase. In effect, wage increase runs somewhere between 2 and 3 per cent across the State Service, and that does need to be paid for, and also general cost of living increases. Everything becomes more expensive and has to be paid for.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - So minus 11 though? Between 16 and 17? There is no indexation there.

Mr OVERLAND - No, there is not, and the exact way that the funding works and the out years is a little difficult to disentangle and explain, but it would be a combination of effects. It would be the savings we have been asked to find taking effect. The savings we have been asked to find become more significant in the out years. What we have to find this year has allowed for the time that it will take for us to look at the further administrative savings that we can make but the reality is that most of these savings will need to be paid for by a reduction in FTE.

That will take us a period of time to work through because our intention is to ensure that all the people who are currently working for us, who want to continue to work for us, are able to do so. It might not be in the same role but they will have an opportunity to continue to work for the department and we will look to manage our numbers down over the next 12 months through attrition and probably through voluntary redundancy options and other options we have, such as incentive payments for people who are close to retirement to go a bit early

Mr VALENTINE - So that \$20 000 in wages you are saving, is that natural attrition?

Mr OVERLAND - No, that is the consequence of the pay pause.

Mr VALENTINE - For the public servants as opposed to the judges within the Supreme Court system.

Mr OVERLAND - The department has about 1 100 staff - the judges, the magistrates, the Solicitor-General, the DPP. Statistically they are not a big number, but for the rest of the department, subject to the legislation passing Parliament, will be subject to the pay pause.

Mr VALENTINE - The answer to my initial question of why the \$195 000 jump, is basically indexation, and the other is the 27th pay.

CHAIR - That is right

Mr DEAN - This is a hypothetical question, minister, but it is a reality. If the pay pause is not supported and you are asked to make those further cuts that the government has said will occur if the pay pause is not enacted, have you addressed that situation and what are the likely ramifications of that?

Dr GOODWIN - The Government has been clear on what the ramifications will be if the pay pause legislation is not passed and it equates to 500 extra jobs. We have to find the savings and that is the alternative. It would mean more jobs from Justice and across the board. We have to find the savings somewhere. There are only so many operational efficiencies that can be found. The reality is that to find savings we are going to have to look at additional jobs.

Mr DEAN - Have the managers and the secretaries been asked to address that in case it becomes a reality?

Mr OVERLAND - We think about contingencies. The Budget was only released two weeks ago, so we now know what we are dealing with.

UNCORRECTED PROOF ISSUE

CHAIR - You know what the targets are.

Mr OVERLAND - Yes. I can't tell you exactly how we are going to deliver those targets but we will and we have processes in train to do that. To be frank, Mr Dean, we have been a little distracted in the last couple of weeks, getting ready for this process, but we have some processes under way about how we achieve those savings.

Mr DEAN - It is almost the end of the year now.

CHAIR - We are talking about the financial year.

Mr OVERLAND - That is the consequence of the delayed budget.

Mr DEAN - You do not have a lot of time to manoeuvre, if the savings are to be made this financial year.

CHAIR - That is why the savings are not so big this year.

Mr OVERLAND - The savings are not big this year for that reason, because we understand that with the late budget, and the fact that if it is about FTE reduction, it will take us a period of time to deliver that. This year is all about getting ready for the next financial year, when the full impact of the savings will be realised.

CHAIR - Supplementary to that, you have said \$2.7 million is the target for this financial year, minister. How much of that \$2.7 million is wages pause?

Ms RATTRAY - How many staff?

CHAIR - The amount equates to how many staff?

Dr GOODWIN - We might be able to get that for you.

CHAIR - It concerns me that Mr Overland is saying it will eventually result in FTEs. Are you going to be asking the same people to do more work? If you are not going to cut any services or departments or activities -

Dr GOODWIN - It is a process of looking at both and something that has to be worked through, as you would appreciate.

CHAIR - We look forward to hearing next year about what has been done.

Dr GOODWIN - It is the reality of the budget situation we find ourselves in. We will get that information for you.

CHAIR - That would be good. I would like to know how much of that \$2.7 million is wages pause this year, so we know what the extra target would be.

Mr OVERLAND - It is \$1-point-something, but we will work out what the 'something' is.

UNCORRECTED PROOF ISSUE

CHAIR - That does not seem to be what you have indicated in here. It is 2 percent of however much your wages bill is - in public servants only.

Mr DEAN - I have a question on the Supreme Court when you are ready.

Ms RATTRAY - While we are still talking about wages, what is the quantum of the wages increase that judges, magistrates, the Solicitor-General, et cetera, will receive in this Budget?

Dr GOODWIN - The salaries of magistrates, and judges and the other officers I mentioned are linked to increases in Western Australia and South Australia. At this stage we do not know because we do not know what the increase is in those other jurisdictions.

CHAIR - It must be budgeted for?

Ms RATTRAY - How can you budget for it?

Mr OVERLAND - Because the salaries for judges, and magistrates are dealt with through the reserved by law funding process. They are not dealt with through the normal budget process. Whatever the cost is, it will be met out of the budget through the reserved by law funding. The Auditor-General is responsible, before 1 July of each year, for determining what the wage of the Chief Justice will be -

Ms RATTRAY - We are past 1 July.

Mr OVERLAND - He has done that already for this year.

Ms RATTRAY - Where are they? The increase from last year to this year of those specific people - I would like to see that quantum. I do not need them individually - they will not want me to know that - but I would like to see a quantum.

Mr OVERLAND - I think it is public information.

Ms RATTRAY - I am sure someone in your department will be able to put their hand on it.

CHAIR - We will take that question on notice.

Mr OVERLAND - I can tell you now what their salaries are.

Ms RATTRAY - The increase?

Mr OVERLAND - That is what I will have to find out.

CHAIR - But you need to do it person by person, yes?

Mr OVERLAND - It works off a formula. The puisne judges receive 90 percent of the Chief Justice's salary. The Chief Magistrate receives -

CHAIR - Rather than doing that individually now, could we have that question on notice, unless you have a figure to give us.

UNCORRECTED PROOF ISSUE

Dr GOODWIN - I can tell you what the figure for the Chief Justice is at 1 July 2014 - it is \$474 717.

CHAIR - Is that last financial year or this financial year?

Dr GOODWIN - At 1 July.

CHAIR - What is the increase from last year?

Dr GOODWIN - We will have to take that one on notice.

CHAIR - Exactly. Can you take it on notice and tell us what the increase is this financial year from last financial year? A combined amount will be fine. We do not need to know about each individual officer.

Ms RATTRAY - The wider community will be interested to know if all public servants have been asked to take a pay pause. Who isn't taking a pay pause, and how much they are getting.

Mr WILLIAMS - You asked how much of the \$2.7 million is wage pause - it is \$1.612 million.

Mrs ARMITAGE - How many employees does that equate to?

Mr OVERLAND - It depends. It depends on what level of employee you are talking about. If you take out a secretary, that is worth about three VPS 6 equivalents, so it depends at what level.

[10.00 a.m.]

CHAIR - I think you are asking how many FTEs.

Mrs ARMITAGE - Yes, how many FTEs?

Mr OVERLAND - That's what I am saying - it depends on what level and the associated cost in the salary. So it is difficult to give a precise answer.

Mrs ARMITAGE - I appreciate that

Mr OVERLAND - We have not been given a target for FTEs; we have been given a budget to manage.

Mrs ARMITAGE - That is plan B that you don't have.

Mr OVERLAND - Yes.

Dr GOODWIN - Yes, in terms of the pay pause it is.

Mrs ARMITAGE - If the pay pause isn't passed?

Dr GOODWIN - If it isn't accepted, yes.

UNCORRECTED PROOF ISSUE

Mrs ARMITAGE - You are going to have to know how many employees you are going to lose.

Dr GOODWIN - We have to work through that process.

Mrs ARMITAGE - As the chair mentioned, who can go and are the responsibilities being taken by someone else and can we still operate the area efficiently?

Mr VALENTINE - But cars can go and resources can go as well. It's a part of that drive.

Mr OVERLAND - Correct.

CHAIR - You are doing all of that?

Dr GOODWIN - Yes.

Mr OVERLAND - That's right - the fewer the staff, the lower your overheads.

Dr GOODWIN - Those are the operational efficiencies but there is a limit to how many you can find. Then you have to start looking at jobs; it is a reality of the situation.

CHAIR - And if you are looking at jobs, you then have to look consequentially at how it affects the rest of your workforce. They still have to do the same amount of work. How do you do that?

Mr VALENTINE - Or election promises can go, which is another option -

CHAIR - We can't not deliver election promises -

Dr GOODWIN - The Government has made it clear that we intend to deliver our election promises.

Mr VALENTINE - That is very good.

Dr GOODWIN - You can't pick and choose which election promises - so I wouldn't.

Mr VALENTINE - No.

CHAIR - Perhaps you might have given a little more thought to the election promises before you promised them. Now that you have promised them you can't not do anything.

Dr GOODWIN - They are all promises that will help specific communities but also the broader community as well; in the investments in health and education, there are broad community benefits.

CHAIR - No-one who is getting the benefit of those is complaining -

Ms RATTRAY - I am not sure, I have seen a lot of emails come from the Department of Education and the Department of Health.

UNCORRECTED PROOF ISSUE

CHAIR - No, the people who are getting the benefits, the community groups -

Mr VALENTINE - We are talking about election promises, not the pay freeze.

CHAIR - - that are having election promises fulfilled that they might not otherwise have received, but your Government has said consistently that all the election promises were fully funded.

Dr GOODWIN - We found the savings ourselves to cover that, but then when we came into government we found the situation was somewhat worse than we had anticipated. There were many more jobs embedded across the forward Estimates by the previous government - earmarked to go - than we had anticipated. That is why we find ourselves in this situation.

CHAIR - Can I suggest that you are not the first government to have said that after an election?

Dr GOODWIN - Maybe. That is the reality of the situation.

CHAIR - How are you going with Supreme Court services?

Mr VALENTINE - I am finished.

CHAIR - Rosemary, I think you had a supplementary to the wages -

Mrs ARMITAGE - No, not to the wages. I had a question about Supreme Court pending cases. I noticed that for 2013-14 we haven't received the figures - they are not available. I am sure you have an indication of where it is tracking - 13.1, pending cases older than 12 months in 2011-12; 25 in 2012-13 for the target of 10. Where is it tracking for 2013-14? Even though they were not available for printing, they must be available to you.

Dr GOODWIN - About 26.

Mr DEAN - That is going up.

CHAIR - Mr Dean, you had a question as well.

Mr DEAN - Surely those figures must now be available; we have now moved three or four months into the year.

Dr GOODWIN - The 26.

Mr OVERLAND - The formal figures we rely on come out as part of the Productivity Commission's report on government services; that is not released till January of each year. We track it ourselves, which is why we are able to say it is 26 as at 30 June 2014 but the formal figures that we rely on come through in January of each year, so unfortunately there is that lag.

Mr DEAN - It was not in last year from memory and I thought the figures were there last year for the 2012-13 year. I need to check on that.

CHAIR - Again, the Attorney-General is not responsible for last year's.

Mr DEAN - No. I wonder why they weren't available this year.

Mr OVERLAND - We track it ourselves so we are able to give you our version.

CHAIR - Which may have happened last year as well.

Mr DEAN - So there is a drop this year -

Mrs ARMITAGE - There was a rise -

Mr OVERLAND - A slight rise of 46.5.

Mrs ARMITAGE - Could you also give me the recurrent expenditure for finalisation for this year or an approximate figure?

Dr GOODWIN - If I can finish off on a point that was raised about the pending caseload and make the observation that despite an increase in the pending caseload, the Supreme Court continues to deliver an effective criminal justice process. For example, 65 per cent of cases were finalised via a guilty plea or guilty verdict in Tasmania, while another 25 per cent had their charges withdrawn by the prosecution and another 7 per cent were acquitted after trial. The balance, 3 per cent, were finalised by other means, for example, not guilty by reason of insanity or were remitted to the lower courts.

Madam Chair, I have the savings measures for tabling as promised.

CHAIR - The Attorney-General is tabling these now so we won't need to ask those questions on notice.

Mrs ARMITAGE - Could you also provide for the civil jurisdiction, just checking figures, that is was 30.2 per cent in 2011-12; 28.2 per cent in 2012-13, tracking down. Has it continues to track down even though the target is 30 per cent for 2013-14?

Dr GOODWIN - The pending cases or backlog figure in the court's civil jurisdiction as at 30 June 2014 showed: 28 per cent or 181 cases of the pending non-criminal cases were older than 12 months. This compares favourably with the national average of 34 per cent. Similarly, Tasmania has fewer older civil cases - greater than 24 months pending - that is, 8 per cent or 70 cases compared with the national average of 15 per cent. The majority of civil cases were settled by mediation or negotiation without the need for trial. In some cases, such as personal injury claims, the parties do not seek a trial date until injury is stabilised, which may be a number of years after the cause of the event. The lower age of pending civil cases in Tasmania's Supreme Court may be due to the court's active case management process which focuses on ensuring cases are ready for trial. Once cases are ready for trial, there is minimal delay in listing them before a judge, usually within three months, depending on the availability of the parties and witnesses.

Mrs ARMITAGE - And the cost for those - is that tracking down as well - the net recurrent expenditure for finalisation?

Dr GOODWIN - The cost for finalisation in the Supreme Court was the third lowest nationally for the criminal jurisdiction at 13 638 cases finalised and also the third lowest

nationally for the civil jurisdiction at 3 841. It can be argued that this reflects the level of funding provided to Tasmanian courts rather than any efficiency dividends.

Mrs ARMITAGE - I am just wondering how that might go if the pay pause doesn't go through and you lose staff. It would be interesting to see the different figures.

CHAIR - We will see how the Government achieves the savings target, with or without a pay pause.

1.2 Magisterial Court Services -

Mr DEAN - Are all the vacancies in the Magistrates Court finalised? What stage are they at? Are there no further vacancies there for magistrates in the state?

Dr GOODWIN - I will give you an update where we are at with that. Expressions of interest closed on 18 August 2014 inviting suitably qualified and experienced lawyers to submit applications for vacant positions as magistrates.

Mr DEAN - Was that advertised around the nation?

Dr GOODWIN - Yes. Applications will be assessed by an independent panel, including the Chief Magistrate, the Secretary of the Department of Justice, and a nominee of the Attorney-General. My nominee is Professor Margaret Otowski from the Faculty of Law. The process is very similar to that used to fill two magisterial vacancies which arose in 2012-13. The Magistrates Court has an establishment of 14 permanent magistrates spread over four permanent registries - in Hobart, Launceston, Devonport and Burnie. The current expression of interest process follows the retirements of magistrates, Tim Hill in Launceston and Don Jones in Burnie.

Mr DEAN - The outstanding cases across all three areas - the Criminal Court, Youth Justice and the Coroners Court - how are we progressing there?

Dr GOODWIN - The formal reporting is like the Supreme Court in that it comes out in the report on government services in January but we are advised that it is about the same level as last year but we will not have that official figure until the report of government services comes out.

Mr DEAN - It is not making too many inroads into the backlog of cases and still remains as it was?

Dr GOODWIN - Yes. Despite the reduction in the number of lodgements, the backlog of matters in the Court remains stubbornly difficult to shift. Whilst backlogs and timing is an important indicator, it is imperative that the quality of judicial decisions is not compromised by too much focus on achieving speedy outcomes. Having only two magistrates, one in Burnie and another in Launceston, may add to the backlog on a short-term basis.

However, a recruitment process is under way to appoint new magistrates. It is anticipated that the redrafting of the proposed magistrates, court, criminal and general division bill is nearing completion and will have a positive effect on the timely completion of matters due to several initiatives, including a new prosecution and defence disclosure framework for earlier disclosure of prosecution evidence and some defences, increased powers for the court to control its processes

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and new case management procedures, standards and sentencing indication powers designed to promote the just and efficient determination of matters.

The Department of Justice is also undertaking consistent analysis of the administrative support operations in the court, including workflows, listings, budget and organisational structure to see if other improvements might be implemented. There is work going on to try to address this issue and that new package of legislation will also hopefully assist with the processes.

Mr DEAN - The position with legal aid not being available because the funds have virtually run out, is that impacting on the Magistrates Courts in any way, in matters being processed and proceeded with?

Dr GOODWIN - Unrepresented litigants are an issue in the Magistrates Court. There are always particular challenges in dealing with those but when we get to the legal aid section, we can hear more from Dr Hill about how things are tracking in relation to legal aid.

Mr DEAN - My question is, are the magistrates concerned about it; are they asking questions about that?

Dr GOODWIN - There is a broad concern across the profession about unrepresented litigants. I know the law society expressed concerns about that the other day and it is a concern. Some people represent themselves by choice but there are others who, for whatever reason, cannot access legal aid or other legal advice. That is a concern but I will say that our community legal centres also perform some work in that area but I am sure when we get to legal aid, we can discuss that in more detail.

[10.15 a.m.]

Mr DEAN - Magistrates have raised from time to time sentencing and bail options. Where are we with providing better bail options to magistrates in particular, in electronic form, and also with better sentencing options?

Dr GOODWIN - The Sentencing Advisory Council will be looking at alternative sentencing options and I expect the judiciary as well as the legal professional board will be engaged in that process. I hope some good options will emerge for magistrates and judges.

Having said that, the Magistrates Court has been a leading light in developing its own alternative sentencing options with the court mandated diversion, the mental health diversion list and the Youth Justice Court. They have already done a lot of work in developing alternative options. They would welcome additional options; they are also looking at whether there might be a therapeutic jurisprudence approach or a problem-solving court approach to drink driving, for example. It is a particular challenge to deal with recidivist drink drivers.

The use of electronic monitoring in home detention will be considered as part of the Sentencing Advisory Council reference because they will examine things like the cost of alternative options which in the past has been raised as a barrier to using it. Many of other jurisdiction use electronic monitoring so we can learn a lot by having a look at how they do it and how costs have changed over the years.

The other thing I was going to talk about was the bail support program run in the Youth Justice Court by Save the Children. We committed some funding and one of our election

UNCORRECTED PROOF ISSUE

promises was to continue to support that program, which is for young offenders. It aims to help them both when they are on bail but also financially after release.

Mr DEAN - It has been around for a long time. When can we expect something to really happen?

Dr GOODWIN - The Sentencing and Advisory Council has a time line for when they report back. We need to have information about the cost and effectiveness of home detention and electronic monitoring. We know that there is some cost involved and we also need to find out how the monitoring could potentially occur. We do not know whether it is a suitable option for Tasmania because we have not been through the process with the Sentencing Advisory Council.

Mr DEAN - Has your department costed the electronic bailing system at the present time?

Dr GOODWIN - Not recently, as I understand.

Mr DEAN - This identical question came up last year from me; you were sitting next to me then and you supported it. Has the Justice Department costed anything? They told me it was too expensive last year and then they said they had not even costed it. So, has it been costed?

Mr OVERLAND - I can answer that.

CHAIR - We would be very sad to hear that a question we asked was not even taken notice of in the last year but it was a different government - the same department, however.

Mr OVERLAND - We have not been through a formal costing process more recently. We can tell you the technology, as with most technology, gets better and cheaper so there are various electronic monitoring options. The real cost of any system is in the monitoring.

Mr DEAN - I supplied a paper to you recently where the cost of monitoring is identified.

Mr OVERLAND - It is the cost of monitoring and responding. It is a human cost - the labour cost is the real cost in this.

CHAIR - Attorney-General, can you give some kind of commitment that this will be considered costed so that next year Mr Dean does not have to ask the same question?

Dr GOODWIN - I fully expect this to be undertaken.

Mr DEAN - It took us 10 years to get overtime sorted out in the prisons department, and now we are trying to sort this out.

Dr GOODWIN - I fully expect this to be considered as part of the Sentencing Advisory Council reference. I have made it pretty clear that I am interested in looking at home detention and electronic monitoring. It happens elsewhere, and I hope we will have a good look at it through this process and see whether it is appropriate for Tasmania and affordable.

Mr DEAN - With about 11 breaches every day, it is costing the police an absolute fortune just to police that, let alone the rest of the things that are happening. We are talking about millions of dollars in just policing.

CHAIR - Let's leave that one. You have asked your question. That is good.

Ms RATTRAY - I have a question in relation to youth justice. Yesterday, we heard that the Ashley Detention Centre costs about \$8.7 million per annum. It has 78 staff, and at the moment it has nine detainees.

CHAIR - Including one 11-year-old.

Ms RATTRAY - That was of major concern to me, for that facility. Minister, there is a review going on that is going to take one year to ascertain whether we need 78 staff, and the role of the facility. Have you had any involvement, through the Magistrate's division for youth justice, with the Ashley facility?

Dr GOODWIN - I will ask Robert to answer this one.

Ms RATTRAY - So obviously, minister, your answer is no, you haven't.

Dr GOODWIN - No, because it doesn't fall within my portfolio responsibilities. While I am very interested in youth justice and there is a bit of a crossover because of the Magistrate's Court and the Youth Justice Court, I don't have specific responsibility for Ashley or for youth justice. It is Mrs Petrusma's responsibility.

Ms RATTRAY - I understand that, I was just looking to see what input you might have.

Dr GOODWIN - Departmental involvement is a different thing, and I will ask Mr Williams to address that.

Ms RATTRAY - Were those figures surprising to anyone on this side of the table?

Mr WILLIAMS - I have been aware of those figures.

Ms RATTRAY - I was thankful I was sitting down.

Mr WILLIAMS - I sit on a reference group which is run by Health and Human Services on Ashley as an advisor along with Mr Edwards. But we don't have a formal role in running that, we are just part of the process, and not through the Magistrates Court as I understand. We have a distant relationship on issues to do with Ashley.

Ms RATTRAY - What about the review process that is being undertaken? Has that review process asked for input from your area, from any area outside of its immediate area?

Mr WILLIAMS - Not recently, and I am not sure what was talked about yesterday.

CHAIR - We were told yesterday that there had been a review already into Ashley, but that there were going to be no conclusions from that until the broader review of youth justice had been undertaken. When we asked when it was likely to be, they said 'probably a year before we get any result' - which is a bit dismaying, to me, that it is going to take so long to -

UNCORRECTED PROOF ISSUE

Ms RATTRAY - To decide whether (a) the staffing numbers are way too high, and (b) whether they need that level of security for that facility, all those things.

CHAIR - But it is, as you say, not part of this -

Ms RATTRAY - I am just wondering what involvement there is given it is Justice, and this says 'Youth Justice Division'.

Dr GOODWIN - In relation to my portfolio responsibilities, I have responsibility for the Magistrates Court, and the Magistrates Court has the Youth Justice Court, which is operating in Hobart and Launceston. It was piloted, so there was a Hobart specialised Youth Justice Court pilot project, and there is an evaluation report for that from September 2013, which is available on the Magistrates Court website. That has been extended to Launceston. That is the extent of the involvement, at the Magistrates Court level, but of course bearing in mind that there would be some crossover probably in families of young people who might be involved in the criminal justice system who might also be involved in the adult corrections system.

Ms RATTRAY - Which is your area of expertise.

Dr GOODWIN - In going into the Corrections area, we have picked up the youth justice out of the U-Turn program as well. There is obviously an interest there in youth justice, but in terms of direct responsibility it is the Minister for Human Services who has responsibility for Ashley and whatever reform is going on there.

Ms RATTRAY - I will probably try to raise it again in education tomorrow, so the whole of the state gets to understand the issues the state is facing.

Dr GOODWIN - I acknowledge that it is never just about a particular minister in relation to youth justice and early intervention. We all have a role to play, as a government, in that.

Ms RATTRAY - And the community, minister.

Dr GOODWIN - Who takes the lead and who has the responsibility for Ashley - that is clearly the Minister for Human Services.

Ms RATTRAY - But the whole community needs to have some level of understanding, and some responsibility as well.

Mrs ARMITAGE - I was on the same line, initially.

Ms RATTRAY - You are probably still dumbfounded from yesterday.

Mrs ARMITAGE - No, I knew the figures. I have been up to Ashley in the past. The specialist youth justice pilot project that was extended for the extra year - is your Government looking to continue that program?

Dr GOODWIN - Yes, it is continuing on in Hobart and Launceston.

Mrs ARMITAGE - On a year by year basis?

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Dr GOODWIN - Like the drug treatment orders and the mental health diversion list - the courts are using problem-solving approaches that aim to address the underlying causes of offending behaviour.

Mrs ARMITAGE - I have been looking at the Magistrates' Court annual report. Can I ask about the Magistrates' Court legislative package?

Dr GOODWIN - Yes, I mentioned that in response to Mr Dean.

Mrs ARMITAGE - Sorry, I missed that.

Dr GOODWIN - That package has been a work in progress for some time. It is progressing along now. It will include a number of new initiatives. Drafting is progressing and stakeholder consultation will take place in 2015 when a bill is ready for public release. It has been developed to enable the Magistrates Court to administer justice in a more effective and efficient manner. The magistrates have initiated these reforms and support the modernisation of court processes.

In terms of the specific new initiatives, it will include the ability to commence criminal proceedings via a court attendance notice instead of a charge sheet or complaint. The prosecution and defence disclosure framework for earlier disclosure of prosecution evidence and some defences will be included. It will include contempt of court powers and increase powers for the court to control its process. It will include case management procedures, standards and sentence indication powers designed to promote the just and efficient determination of matters. It will also include increased thresholds for matters that may be dealt with summarily in the Magistrates Court to cover property up to \$50 000. The current threshold for electable property offences is up to \$20 000 in value. It will also include a contemporary scale of costs. It is hoped that these legislative reforms will improve the timeliness of finalising cases.

CHAIR - Are there further questions on magisterial court services?

1.3 Births, Deaths and Marriages -

CHAIR - You mentioned, when we talked about savings, that there is only \$4 000 in this financial year as savings, but it is, in fact, a cut of \$70 000 from last year. Why is that so?

Ms WEBSTER - We are looking at some changes to the location of Births, Deaths and Marriages. That would be projected rental savings. We are reviewing the location and looking at our needs for that area.

CHAIR - So you would be looking at a less high profile site or a more high profile site or co-location or what?

Ms WEBSTER - Co-location, but a better site for records management.

CHAIR - I ask the question in relation to two items. One is security of information, because increasingly, security of personal information - identity fraud - is a growing concern in our community. Second, how are you progressing with a more electronic record keeping system?

Dr GOODWIN - I can talk about both of those.

[10.30 a.m.]

CHAIR - I am not sure if we shouldn't be spending more money on ICT-type things.

Dr GOODWIN - I will give you an overview of what Births, Deaths and Marriages have been up to. Births, Deaths and Marriages processed approximately 60 000 transactions during the 2013-14 financial year. These transactions relate to the registration of births, deaths, marriages, relationships, changes of name, changes of sex, adoptions, amendment of records, searching of records, and issuing certificates. The majority of transactions are for the issue of certified certificates required for identification purposes. The average processing time for certificate applications was six days during 2013-14.

The digitisation of 1920 to 1970 birth records continued although staffing changes have had an impact on the progress of this work. This project should be completed during 2014-15. Arrangements have been made to convert more historical records to an electronic format in 2014-15. FamilySearch international volunteers will be scanning 1900 to 1912 birth records.

Birth, Deaths and Marriages is actively investigating options to capture more data electronically, including the development of a facility for doctors to lodge medical cause of death information online. Since August 2013 all incoming paper birth registration statements received from parents have been scanned. Information is then entered from the scanned image.

New processes for the scanning of all incoming death, marriage and change-of-name registration documents will be implemented in 2014-15.

Births, Deaths and Marriages has contributed to a project to establish a national data management framework for death data. Once completed, a similar framework will be established for birth data.

Births, Deaths and Marriages helps to minimise risk of identity fraud by responding to requests by authorised organisations to validate information on certificates. During 2013-14, 60 628 Tasmanian certificates were electronically verified. Births, Deaths and Marriages staff carried out a further 1 500 manual information checks for Tasmania Police and other government agencies.

CHAIR - In relation to that then, am I to understand that people still fill in a paper document and then it is scanned in? Why not just do it electronically in the first place rather than fill it in, then scan it to put in the electronic records?

Dr GOODWIN - In relation to deaths, some funeral homes and doctors are able to do it online, but in relation to births, that is still a process whereby parents fill out certificates and send them in. Births, Deaths and Marriages is working towards that being an electronic process as well but there are some signature issues around that.

CHAIR - Obviously, but we are talking about it being perfectly possible electronically as well. It seems to me that if you are looking at operational savings that is the kind in our society. Six days, on average - in a pre-electronic age you might think that is a reasonable time. Why can a person not come in and get it instantly? Why does it take six days, on average?

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Dr GOODWIN - That is an average processing time. The electronic ones are quicker whereas the paper-based ones take longer to process. Births, Deaths and Marriages is looking at trying to improve the processing time.

CHAIR - How are you looking at that? Are you getting someone to help you with efficiencies?

Ms WEBSTER - When records are available online, it will be a much quicker process.

CHAIR - You have some records online already. Is there a target date here for when? Are you doing the ones that are now online more quickly?

Ms WEBSTER - Yes, we are. The ones that are available online are much quicker, but the ones

CHAIR - It is the ones that are not online.

Ms WEBSTER - Yes, the ones that are on online are much quicker but ones that are still paper and, for example, family history would be slower because they are ancient records.

CHAIR - With an average of six days, when you process so many during the year, means some of them are taking a long time. The bulk of them would be done quickly.

Ms WEBSTER - Most we would do quicker than that. The average is six days.

Mrs ARMITAGE - I was advised by a marriage celebrant that a marriage certificate is no longer a legal document. Was it previously, or why did it change, and why is it no longer?

Ms WEBSTER - They are both legal documents. The Commonwealth and the state-issued certificates are both legal documents.

Mrs ARMITAGE - The marriage certificate that you receive which is signed?

CHAIR - Why do you have to have two?

Ms WEBSTER - One is a Commonwealth registration. I might invite the Registrar of births, deaths and marriages, Ann Owen, to answer that.

Ms OWEN - When a celebrant undertakes a marriage ceremony they issue the Commonwealth certificate which is the one which is more decorative. That is evidence of marital status and can be used as evidence as such. When the marriage has occurred, documentation is forwarded to the registry for registration.

CHAIR - By whom.

Ms OWEN - By the marriage celebrant. It is part of their responsibility under the Commonwealth Marriage Act. Once we receive that, we register the event under the Births, Deaths and Marriages Registration Act and an applicant can apply for a certified registry-issued copy which has a registry-issued number and is accepted by most organisations as evidence of change of name by a man or a woman wanting to change to their husband's or wife's name. That

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is the difference. A lot of organisations will only accept the registry-issued copy because it is on the registry security paper and can be validated back to the registry office.

Mrs ARMITAGE - They will not accept the Commonwealth certificate and there is a considerable cost?

CHAIR - It is Commonwealth law. The marriage act is not state law but they will not accept the Commonwealth document.

Mrs ARMITAGE - Are these state government departments that will not accept the Commonwealth marriage certificate.

Ms OWEN - It is a variety. There are banks, the passports office, drivers licence. They all have different policies and I am not fully aware of all the different policies but I know that there are variations. Some will accept the Commonwealth document as evidence of change of name, others will ask for a registry-issued one. Primarily because it can be electronically verified because we participate in the document verification service and that is why they can do that and they cannot do it with the Commonwealth-issued document.

Mrs ARMITAGE - I believe in the past, when someone got married, the name changed. If, for example, I got married, my name changed to that of my husband if I wished. I believe now in order to change my name there is an additional cost. Is that state or Commonwealth?

Ms OWEN - It would depend on the organisation you were changing your name with, and you can assume your husband's name, or a husband can assume the wife's name, on the basis of getting married.

Mrs ARMITAGE - I was advised that had changed and I was not sure whether it was under the state births, deaths and marriages.

Ms OWENS - No.

Mrs ARMITAGE - I am told now there is an additional cost, whereas previously it went on the marriage certificate.

Ms OWEN - No, absolutely not.

Ms RATTRAY - In relation to when the state issues a copy of the registration of a marriage, does that also cost even if it is electronically provided?

Ms OWENS - We only provide a hard copy certificate. It can be electronically verified to an organisation where that certificate is presented. Yes, there is a cost for the standard certificate search and issue cost for the marriage certificate, same as a birth.

Ms RATTRAY - How much does that cost?

Ms OWEN - \$45.80.

CHAIR - You understand, Attorney-General, having been in this place before that we try to get down to the nitty gritty. We have deliberately asked detailed questions so that we and the

community can be informed about those processes and many of our questions come from community.

Dr GOODWIN - Absolutely

CHAIR - We are going to take a break at this point.

The committee suspended from 10.40 a.m. to 11.01 a.m.

CHAIR - We are back in session. The member for Hobart is not with us for this session because he is at the funeral of former Lord Mayor, Doone Kennedy. A number of us would like to be there if we were not committed to estimates. He is there on behalf of us all.

Ms RATTRAY - And we thank him.

CHAIR - We thank him very much for being there on our behalf, indeed.

Dr GOODWIN - Chair, can I give you an answer to an earlier question about the increases in the salary of the Chief Justice, and all the connected salaries? It is a 2.5 per cent increase to the Chief Justice's salary from \$463 126 to \$474 717 in 2014-15.

Mr DEAN - So that is about an \$8 000 increase in real terms?

CHAIR - It is 2.5 per cent - an \$11 500 increase.

Ms RATTRAY - Chair, the number of people who received that increase would be useful information.

CHAIR - We have asked for that, so we will get the total.

1.4 Support and compensation for victims of crime -

Mr FINCH - Attorney-General - support and compensation for victims for crime - it is pleasing to see the figure build to \$5.6 million, because if my memory serves me correctly, we have been found wanting for some years in this area. It is interesting to note that you have been able to put an increase, year by year, into the allocation for this item.

I would like to explore that figure - if it covers what is needed for victims' compensation, and how we go about drawing some support from convicted people for the compensation pool. If we can just dig in to those figures a little bit?

Dr GOODWIN - The increase you see over the forward Estimates is due to indexation.

I will provide a broad overview of the support services and exactly what they include, then I can talk a bit more about the compensation issue, if you would like?

Mr FINCH - Please.

Dr GOODWIN - The Victims Support Service provides services across all areas. There is victims of crime assistance, and eligible persons register with the victims of crime service and the court support and liaison service. The victims of crime assistance area administers the Victims of Crime Assistance Act 1976 and supports the Criminal Injuries Compensation Commissioners in finalising awards. The Victims of Crime Assistance Act allows for the paying of medical counselling and support services, as well as compensation for pain and suffering to victims of violent crime or certain sexual offences where they have suffered an injury or death.

The Eligible Persons Register continues to maintain a high uptake. Victims on the register are entitled to be provided with certain information about the offender while they remain within the prison system, including their location, security classification, parole and hearing dates, as well as possible release dates and times. The role of the Eligible Persons Register is to provide information about leave and convey any concerns from the victim. It does not make decisions about leave, of course.

The Victims of Crime Service provides a face-to-face counselling, support and referral service for victims of serious interpersonal violence and sexual offences. The service also provides assistance with the provision of victim impact statements, completing victims of crime assistance applications, referrals and information regarding the criminal justice system.

Finally, the fourth area - the Court Support and Liaison Service - is funded under Safe at Home. The role of that unit is to provide support for victims of family violence and guide them through the justice system during and after a court appearance.

In addition, I might mention the Road Trauma Support Service because this was an issue that occurred in relation to supporting families of road trauma fatalities. In April 2014, the Victims of Crime Service met with Road Trauma Support Service to discuss how best to work together to support families of road trauma fatalities. It was agreed that the Road Trauma Support Service would work statewide with families of persons killed in a road crash. The Victims of Crime Service will liaise regularly with the Road Trauma Support Service providing support and education and information around court processes.

In relation to the victims of crime assistance applications, there was a backlog in those applications being processed and that was cleared in June 2014. This was achieved through the appointment of extra commissioners. Processes have been put in place reduce the risk of that situation occurring again.

I can give you an overview of the number of applications received. From July 2013 to June 2014 there were 400 applications received, 263 awards finalised, and the average value of the award was \$9 719.

To give you a bit of historical context, I will run through the applications. In 2009-10 there were 319 applications received and 223 finalised. In 2010-11 there were 304 applications received and 257 finalised. In 2011-12, 332 applications received and 279 finalised; and in 2012-13, 309 applications received and 289 finalised. Not all applications are finalised in the year received. This can be as a result of waiting for substantiating information or a delay in the provision of relevant reports.

In terms of the gender split and how awards are awarded, for this financial year it was 49 per cent male and 51 per cent female. I can give you a breakdown so you know the component costs

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of the awards. In 2013-14, \$9 645 for dental costs, \$50 520 for medical reports, \$43 263 for other expenses, and \$50 810 for solicitor costs.

In terms of the offender contribution to the compensation fund, there is a victim of crimes compensation levy that an offender can be required to pay. I think it is only if they are convicted of a serious offence. I am not sure if I have any detail on it but that is my recollection of the situation. It is not all offenders who are convicted of an offence; it is only for serious offences.

Mr FINCH - Also too, is it successful trying to get that money from those people who are convicted? They can be in circumstances of financial constraint. They may not have a job, may be in jail, so they are not probably fit to contribute to that compensation

Dr GOODWIN - The offenders in terms of the victims of crime compensation? I think it is set at an amount of - I am just going from memory here. I will take that question on notice. It is not a huge amount.

CHAIR - \$20?

Dr GOODWIN - Something like that. Section 6B(a) of the Victims of Crime Assistance Act allows that any monies owing to the Crown can be deducted from the Victims of Crime Assistance Award. In the past 12 months a total of \$148 572 has been deducted from awards and forwarded to the Monetary Penalties Enforcement Service for payment of outstanding fines.

A proposed criminal conviction levy was one of our election commitments. That is to impose a criminal conviction levy on offenders; this would be for all offenders and they would be required to pay \$50 if convicted in the Magistrates Court and \$150 in the Supreme Court. We have until next financial year to implement this, and we will need to look at how this is going to be imposed and what legislation will be required. New South Wales has a levy on convictions to help pay for the cost of their court case and Queensland has a similar approach.

Mr FINCH - Does that levy go to the victims of crime?

Dr GOODWIN - That goes towards court costs. There is the already existing victims of crime compensation levy and I will give you some background on that.

Section 5 of the Victims of Crime Compensation Act 2004 makes those convicted of a serious offence pay a compensation levy to the Crown. The compensation levy is in addition to any monetary penalty or order that may be made in respect of the same conviction. The amount varies, with a minimum of \$20 if a person is convicted in the Supreme Court under Section 3(8)(5)(a), or \$50 for any other case, and a minimum of \$20 in the Magistrates Court. Section 8 provides that this compensation levy is payable to the Director, Monetary Penalties and Enforcement Service. To pay for the victims of crime compensation a set amount reserved by law comes each year to the Victims of Crime Service and there is also the money that comes through the Monetary Penalties Enforcement Service for the victims of crime compensation levy.

There is a contribution from offenders who have committed a serious offence towards the victims of crime compensation payments.

Mr FINCH - That figure that we see here is the cost of running that area.

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Dr GOODWIN - Yes, it includes the cost of the fund for services across those four area, and it also includes the allocation for the victims of crime compensation.

Mr FINCH - If all of a sudden you had an increase in the numbers of people who are successful in their applications, are they limited by the amount of money that might be in the pool?

Dr GOODWIN - No.

Mr FINCH - Or there will be an opportunity to top up, if needed?

Dr GOODWIN - Yes.

[11.15 a.m.]

Mr WILLIAMS - Because it is reserved by law it would simply be adjusted. It's a prediction of what might be needed, and if it turns out that more reserved by law funds were needed, then it would be an adjustment in the following year to make that reconcile.

Mr FINCH - Attorney-General, do you have a sense that that system is working successfully for victims of crime. Do you have any negativity from people who are suggesting that it might not be working well, for example from those whose claim is not successful or those who are unhappy with the quantum of their compensation award? Are you getting any reports like that?

Dr GOODWIN - I am not aware of any reports along those lines, but the system differs in different jurisdictions. In terms of the effectiveness of levying offenders, I don't know how effective that is. There have been some concerns raised about it in the past and that is why it ended up going to the Monetary Penalties Enforcement Service to collect because there were some concerns about how it was being recovered. Mr Williams, did you want to -

Mr WILLIAMS - It is not my area now, it's Ms Webster's, but the feedback received by the victims of crime service has almost universally been very positive. Out of many bits of feedback there's only ever been one or two occasions where people haven't been happy. It's been a really effective service in terms of the satisfaction of people receiving both the payments and the service - the support.

Mr FINCH - There was a great deal of concern years ago when that money was going to be shifted to other areas, and victims of crime were going to be victims again. They weren't going to get the compensation, or the support, they needed. So, I am pleased about that.

You mentioned, Attorney-General, the road trauma support team. Was any money going to them, to support them in their work?

Dr GOODWIN - It comes under a different area. It was identified as a gap in the level of support, but it did not, strictly speaking, fall within the responsibility of the victims of the crime service. Discussions were had with the road trauma service to see if it was an area they might be able to assist with. Fortunately, they said they could assist with it and the victims of crime service is now liaising regularly with the trauma support service to provide them with some support and education and information about court processes.

Mr FINCH - Okay.

CHAIR - Where does that sit then? The trauma support service.

Dr GOODWIN - In State Growth.

CHAIR - Thank you.

Mr FINCH - You can find a home for everything in State Growth.

CHAIR - If in doubt give it to State Growth. Are there other questions on this - 1.4 Support and compensation for victims of crime?

1.5 Legal Aid

Ms RATTRAY - The member for Windermere started on this line of questioning earlier. It's an important area but it always has trouble attracting increases in funding, Attorney-General. Can you give us some idea of how many cases are accepted, how many are rejected, and how the office is travelling with the new leadership?

Dr GOODWIN - We have a new director of the Legal Aid Commission, Dr Graham Hill.

Ms RATTRAY - I am pretty sure we farewelled Norm at last year's Estimates. I would like to welcome the new person.

Dr GOODWIN - Thanks. Dr Hill is doing a great job, and we welcome him on board.

Ms RATTRAY - Will we welcome him to the table, Attorney-General?

Dr GOODWIN - Certainly. Welcome, Dr Hill, to the table.

Mr FINCH - We can get a closer look at him.

Dr GOODWIN - This is Dr Hill's first Estimates and he's now had the benefit of seeing what Estimates was like in the House of Assembly yesterday.

I will just run through some information I have, and if there is anything specific -

Ms RATTRAY - There is not a lot in the budget papers that gives us any idea of what's happening in the department.

Dr GOODWIN - The Legal Aid Commission provided information, advice and representation to large numbers of Tasmanians in the 2013-14 year - 18 700 telephone calls providing legal advice; 6 590 face-to-face consultations providing advice; 109 community legal education events reaching 5 220 people; 2 505 duty lawyer services; 368 600 hits on the Legal Aid website seeking information; and 5 211 new grants of legal aid for representation.

Applications received - 3 503 criminal; approved, 3 078, an 87.87 percent approval rate. Family - 1 835 applications received; 1 308 approved - 70.9 percent. Civil - 941 applications; 832 approved - 88.42 per cent. A total of 6 279 applications; 5 211 approved - 82.99 percent.

The Legal Aid Commission of Tasmania continues to lead the nation in many areas of performance, including determining applications for legal aid on the same working day. The National Legal Aid benchmark is within five days but no other state meets that. It pays accounts to law firms by next working day. The National Legal Aid benchmark is within 14 days. Again, no other state meets that. It contains the costs of administering grants to less than 5 per cent of the total value of grants. The nearest interstate competitor is at 9 per cent. It conducted 400 family dispute resolutions last year with a 93 per cent settlement rate, the highest in the nation. It provides joined up services that deliver a better outcome for the client so that only 3.3 percent of clients return within two years with the same legal problem. The national partnership agreement benchmark is to have less than 20 per cent returning within two years.

It punches well above its weight. They are to be congratulated on the tremendous work they do, especially when you look at the performance in relation to the national average. We are outperforming other states.

Ms RATTRAY - Thank you. It is a good department to be head of, Dr Hill. Keep up the good work. How is the staffing to cope with the huge number of requests for legal aid?

Dr HILL - It certainly is. The Legal Aid Commission has 64 full time employees spread over about 80 people who share those 64 roles, of which about 40 are lawyers. The in-house practice delivers just short of half the legal representation to the state. The other half is delivered through the private profession. In that last financial year Legal Aid spent \$4.1 million on grants of legal aid through the private profession. In representation it is a combination of in-house and private profession.

Ms RATTRAY - Obviously you do not have enough staff to deal with every request that comes in. Do you choose the more difficult cases to put out to the private sector, or is it just whatever the workload is at the time?

Dr GOODWIN - Before I ask Dr Hill to make some comments it is important to note that Tasmania is the only jurisdiction where people have a choice of lawyer. That has been an important part of Tasmania's history and a leading light. I will hand over to Dr Hill to explore that further.

Dr HILL - The Legal Aid Act provides for the board of the Commission to make guidelines for how legal aid is allocated to most needy people. Over many years the board has made guidelines. There is a lot of focus in the newspapers on cases that Legal Aid doesn't fund, but it might be worth spending 30 seconds to tell you what Legal Aid does fund.

Where people satisfy our means test, the guidelines would see us funding every child or young person who is charged with an offence who cannot get a lawyer through family. Any person who is definitely headed to jail would get funded at the moment in Tasmania. In Family Law, any time the court appoints an independent children's lawyer, Legal Aid would fund that every time. If there was, in Family Law, a person who was the respondent to proceedings that would disrupt what used to be called 'custody' or 'access', to change those living arrangements for children, then that person would get Legal Aid. In Child Protection, any time there are proceedings to remove a child from the family, that family would get legal representation and any time the court appointed a separate representative for the children, that child would get legal representation. That is our coverage we are able to give consistently under the guidelines.

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Ms RATTRAY - Obviously, Attorney-General, the Legal Aid Commission has an important role to play in the functions of the legal aid. Why is the list of boards with reduced funding or membership on the list?

Dr GOODWIN - The intention is to move to a skills-based board consistent with the direction of most boards that operate now. That is best practice around contemporary governance. That is our intention and we expect there will be some -

Ms RATTRAY - This is a reduction?

Dr GOODWIN - Yes, we expect there will be a reduction in the number of board members required when we move to a skills-based board. That has been a commitment of our Government to seriously look at our boards - number and composition.

Ms RATTRAY - What are the current and expected numbers then?

Dr GOODWIN - The expected number that would be reduced by is two and the current number, I think it can be up to - Dr Hill?

Dr HILL - Nine, I think at the moment, if the Commonwealth doesn't put two forward, so seven effectively.

Ms RATTRAY - That would be back to five then?

Dr GOODWIN - It is 10 at the moment, so up to eight. We need to have a look at the skills mix we require and then have a look at what the composition would be like. We do expect to achieve those savings. There is a target of two.

Ms RATTRAY - So the funding for this is a 50:50 split from the Commonwealth and our state?

Dr GOODWIN - Broadly speaking. The state funds 44 per cent of the commission's total activities and the Commonwealth, 44 per cent, and the Solicitors' Guarantee Fund accounts for the remaining 12 per cent.

Ms RATTRAY - There is no issue with the funding from the Solicitors' Guarantee Fund?

Dr GOODWIN - In what sense?

Ms RATTRAY - I heard something the other day about the Solicitors' Guarantee Fund and the little alarm bells were going off.

Dr GOODWIN - The situation with the Solicitors' Guarantee Fund is that it is primarily set up to cover any claims against law firms for default, so the fund has to be maintained at a certain level, but if there is any funding left over in a year, then that funding is available to the Attorney-General to invite applications to disburse those funds by way of grant. In the past, Legal Aid was given first preference to that and then Community Legal Centres and other organisations have received grant funds over the years. There has never been a grant deed in place or, as far as I can see, any mechanism requiring an acquittal report or anything of that nature.

[11:30 a.m.]

I have asked the Department to give me some advice on how we can tighten up procedures in the grant deed process, the acquittal process, making sure that if the money has not been spent for whatever reason there is a mechanism to get it back and give it to someone else who needs it, and to make it clear what these grants are for so that there is some consistency and checks and balances in the process.

Ms RATTRAY - None of that process will interfere with the ability for the legal aid area to access -

Dr GOODWIN - No. It is pretty clear in the act that legal aid needs to be factored into the Attorney-General's considerations around disbursements from this.

Ms RATTRAY - So they will always get 12 per cent but the office can apply -

Dr GOODWIN - It is not set at 12 per cent, and it still has to be by way of application. Legal Aid will normally put in an application requesting funds for a specific purpose.

Ms RATTRAY - So if this area has to reduce its costs, like every other area of government, then can they apply to that fund to top up their ability to get their income up to -

Dr GOODWIN - That is effectively what has been happening in the past; for example, if Legal Aid gets to a point where they have been unable to fund applications, they might apply to the Solicitors' Guarantee Fund and say, 'Due to the funding constraints, we haven't been able to fund, say, drink driving cases', and they might request a certain allocation to assist with those sorts of applications. Or it might be to employ another lawyer in a regional area or for a specific purpose, but it does need to be a specific purpose.

Ms RATTRAY - Does the Legal Aid Commission have a role in that, in deciding what or where additional funds are required, or is that departmental?

Dr GOODWIN - I imagine it would be a process where Dr Hill may make recommendations to the board about making a specific application to the Solicitors' Guarantee Fund, but it is probably a question for Dr Hill. We have not had that process this year because I have not had formal advice as to funds available and we are still finalising the new process.

Dr HILL - In the past the Attorney-General would write to the Legal Aid Commission inviting an application for funds from the Solicitors' Guarantee Fund; Legal Aid would respond to that with a list of priorities and then it would be the Attorney-General's discretion as to which ones and how much were granted.

Ms RATTRAY - My last question before I hand over to other members is about own-sourced revenue. Is there any opportunity for Legal Aid to get any own-sourced revenue; it is listed in the own-sourced revenue part of the Budget and I am not sure whether it actually generates own-sourced revenue.

Dr GOODWIN - I do not believe so.

Dr HILL - Client contributions.

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Dr GOODWIN - Dr. Hill might elaborate on that.

Dr HILL - Yes, in some cases there is a client contribution of \$20 towards the cost of their legal representation.

Ms RATTRAY - So it is very little own-sourced revenue, then?

CHAIR - How do you decide who pays \$20 and who contributes and who doesn't?

Dr HILL - It is a decision made by grants officers according to guidelines based on needs and people's capacity to pay depending on their own resources.

CHAIR - One would think the only people who are eligible for legal aid are people who meet the criteria of means tests, so there are means tests within means tests, are there?

Dr HILL - That is right, and the level of contribution can be varied under the guidelines but generally it is \$20.

Ms RATTRAY - Can I have a figure of what last year's own-sourced revenue was for my own information

Dr GOODWIN - We will take that one on notice.

Ms RATTRAY - It is probably not a lot but I am interested to know how many of those people who are eligible for legal aid contribute in some way?

CHAIR - In terms of the board, you are lowering the number of people on the board and changing it to a skills-based board. Did you look at whether you needed a board at all? You had a very efficient commissioner and a very efficient structure.

Dr GOODWIN - Under the act we do.

CHAIR - That was not my question. Under the act you do, but you are changing.

Mr OVERLAND - There is a place for a board because there are some very important policy issues that need to be determined so with, no disrespect to Dr Hill, his job is to implement the policy decisions and settings that are determined by the board. That goes to issues around grants of aid. This is a rationing process. There is a certain amount of money comes in and there is always going to be more demand for legal aid funds than is available and it is important that there are good decisions made about the use to which legal aid money is put.

That is done through the board setting the policy parameters and framework, within which decisions are made by officers within the legal aid commission. Without that you would have a void where it is either the department or Dr Hill, or someone else, setting the policy conditions and there is some weakness in that because you want a range of views about where the legal aid dollar gets spent and who gets funded and who does not.

CHAIR - I would not argue with that but the Government is making decisions or reviewing every board, so every board would say the same thing, or most CEOs or commissioners would say

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the same thing, about their board. Thank you for that but it is a generic answer rather than specific to this particular one.

Mr OVERLAND - With respect I do not think it is. It has to do with the provision of legal services for the most needy people in the community and there is never going to be enough money to go around. It is important that those policy settings are carefully thought through and are appropriate. The structure we have is a good way of managing the tension around allocating the funds in as fair a way as possible.

CHAIR - The next question is about the annual cost of the board. As you are looking at other boards, would you consider making this a voluntary board as opposed to a paid board?

Dr GOODWIN - I do not have the exact figure with me. We can get it but we think it is approximately \$80 000 a year.

CHAIR - \$80 000 a year total for the board. Are the board members not paid?

Dr GOODWIN - Yes they are.

CHAIR - You have up to 10 board members?

Dr GOODWIN - Yes.

CHAIR - That would appear to be a significantly smaller amount than most government board members are paid.

Dr GOODWIN - Not all of them are paid because some are state servants or law society.

Ms RATTRAY - Can we have the numbers then?

CHAIR - That is interesting. If you are going to go to a skills-based board, one would imagine you have to look for skills not for departmental representatives.

Dr GOODWIN - We might still need to have a departmental representative on there.

CHAIR - It will be interesting to get some more information on the makeup of which ones are almost statutory positions. The question of whether you might consider the percentage of people who are independent rather than departmental people, and whether you would consider making those who are not departmental representatives, volunteers.

Dr GOODWIN - That is an option.

CHAIR - The Government is looking at every board, we are told, with that kind of eye. It would be interesting to have your opinion on that and on this particular board, as well as every board. We are not singling this board out in particular. The Government has said that every board will be looked at and we are asking the same questions. In the light of the fact that we are hearing from some other ministers about some other boards that we might have thought, or the public might have thought, were important, that are changing.

Ms RATTRAY - Potentially changing, Chair.

CHAIR - Can I ask where the efficiencies and the budget savings will be in this particular line item? None?

Dr GOODWIN - The savings are in the wage pause -

CHAIR - So the wage pause as well?

Dr GOODWIN - Yes.

CHAIR - How many people did you say were employed - FTEs?

Dr HILL - There are 64 FTE's.

CHAIR - So that is a considerable number.

Dr GOODWIN - In terms of the wage freeze?

CHAIR - In terms of the wage freeze.

Mr DEAN - A question was asked about who was on the board.

Dr GOODWIN - We are getting that information for you. It is on notice.

Mr DEAN - The number of times they sat was also raised.

Dr GOODWIN - It is specified in the act, but we will get you the names -

Mr DEAN - And the number of times they sat, say over the last two-year period? Also, what decisions have come from that board? What decisions have they made? What changes have they recommended or suggested that would impact on Legal Aid, in that period of time?

Dr GOODWIN - Dr Hill might be able to talk a little bit about the matters the board generally deals with, just to give you an idea of the sorts of things the board gets up to.

Dr HILL - I have not been there for two years. I have been attending board meetings for seven months, but I can tell you they look carefully at the guidelines for Legal Aid. That is an issue that comes up every month - how you allocate legal aid to people in the community. In July, they did a consolidation of all legal aid guidelines into one document. That is a significant issue. The board also spends a lot of time on financial oversight of the commission, to make sure the commission is living within its budget and is sustainable.

The employees at the Legal Aid Commission are employees of the Department of Justice, and not the commission, but nevertheless the board takes a strong interest in occupational health and safety, and any claims that might exist. Those sorts of things. They are responsible for the strategic direction of the commission, and they look at those matters as well - how do we strike a balance between information, advice and representation? Is that the correct balance? Are we delivering high quality legal services to clients, and are we contributing to the efficiency and effectiveness of the court system? All of those kinds of questions regularly come up at board level.

The Legal Aid Act imposes certain obligations on them to make sure we are not impinging upon the independence of the private profession, and that we are delivering legal aid in the most effective and efficient manner.

Mr DEAN - Seems that a lot of those are just operational issues that you would be responsible for, like ensuring you are on budget, and ensuring you are providing what you are supposed to provide under the guidelines. I can't understand why you would need a board for a lot of that.

Dr GOODWIN - To some degree Legal Aid operates quite independently of the department, and certainly of me. I don't interfere in the decisions of Legal Aid - whether or not to grant aid. There are processes in place - Dr Hill might like to explain what happens when someone does not get a grant and they ask for a review of that decision.

There is Commonwealth and state funding at play here. There is a high degree of interest from the profession about who gets work, and there were some concerns in the past about the profession not getting enough of the legal aid work. But I will ask Dr Hill to explain that review process.

Dr HILL - Under the act, Attorney-General, there is provision for review committees, and the act says a review committee will be made up of three people. One is a legal aid officer, one is a lawyer from private practice, and the third is someone from the community who has an interest in these issues. It might be someone from Hobart Community Legal Centre. There are three review committees going, each with three people on them and their role under the act is to review decisions of grants officers. Where a grants officer says 'No, I don't think this should get legal aid', it goes to a review committee, assuming the applicant seeks to review it. Review committees overturn the grants officer about one-third of the time, which does seem quite high but the review committees have far more information than the grants officer has at first instance. A lawyer might apply for legal aid very quickly and put an application in to a grants officer but on review, they will make a much more detailed submission and there is even provision for them to appear and argue the case. That is why there is more information available on review.

Mr DEAN - For those review committees, is there any payment?

Dr HILL - No, where the private professionals sit on them, they do that on a voluntary basis, as they do on our civil disbursement fund and on our selection panels; whenever we recruit someone, they are volunteers.

Mr DEAN - Is this the process that is going to apply to the recently publicised case involving Evan Hughes, where he has indicated that he will take a matter on pro bono - I think it is in the criminal court - but that at the end of that case he will make an application for a review of the legal aid? As I understood it, it has been refused legal aid and he says that person apparently needs representation. Is that what he is referring to, that he will come back to Legal Aid, asking for a review, are you aware of that case?

Dr HILL - I am familiar with the article in *The Examiner* about that case but I don't think that he would be coming back for a retrospective grant of legal aid because that is not something we would ordinarily do. His client, as I understand it, missed out on getting legal aid. I don't believe it went to a review committee in that case.

Mr DEAN - So he could have gone to the review committee when it was first knocked back?

Dr HILL - Possibly he might have been able to, if he was rejected through lack of funds, that simply the grants officer had spent more than the daily limit would allow, then there would be no review committee that would look at that because lack of funds is just lack of funds.

Mr DEAN - He used to work with Legal Aid, didn't he? He would be familiar with the system, I would have thought.

Dr HILL - He did.

CHAIR - A supplementary to that question. That seems a bit arbitrary if it has exceeded the daily limits. Does it depend on what day you happen to apply?

Dr HILL - There is an element of that and that is something that has concerned us for some time. In about July or August last year, again before I joined the Legal Aid Commission, there was an overexpenditure on grants of legal aid and there was a danger of the yearly budget - as I say, \$4.1 million was spent - not lasting throughout the whole financial year. So the commission at that time imposed what they called a 'daily limit' to keep budgetary control, to make sure that there were grants available every day that the court was open and that the budget didn't run out.

That is not a fixed daily limit, the grants officers can go over it and they do in hard cases and make it up the very next day. It has been a tremendous budgetary control in that it has made sure that the commission does give legal aid every day that the courts are open. It is something that all interstate commissions have. No commission anywhere in Australia has an unlimited budget so they either keep an eye on it annually, monthly or daily and it is a guideline. It does throw up some inconsistencies because it can depend on what is going on that day, and we are looking at what we can do about that. We have gone back through our grants figures for the last seven years to see that they are actually quite consistent on various types of matters.

Can we tailor our guidelines to match that so that there is some certainty that if you satisfy the guidelines, you will definitely get legal aid? That is the next step in our thinking on it.

CHAIR - It seems like a small matter but to the person who is applying it is a huge matter. Do we recommend to the community that they apply first thing in the morning rather than leave it until lunchtime?

Dr HILL - It is more sophisticated than that.

CHAIR - Yes, obviously - I hope so.

Mr DEAN - Where legal aid is provided, it is an amount of legal aid that is provided for a case, it is not provided on the basis of the lawyer involved? Would you provide sufficient money for a senior lawyer to be engaged or do you simply provide an amount?

Dr HILL - It is a fixed sum for the type of work.

Mr DEAN - Choice of solicitors is not supported?

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Dr HILL - The client gets a choice of lawyer but it has to be a lawyer who is willing to take on legal aid work at those rates.

Mr DEAN - The funding is both state and Commonwealth. That is included in the amount that is provided here, that is \$85 938?

CHAIR - No, this is from appropriation.

Mr DEAN - How much Australian Government funding is there into legal aid?

Dr GOODWIN - That is in a different budget paper. It is roughly the same amount. In budget paper 1, 6.9 Commonwealth payments for specific purposes. For 2013-14 it was \$6 million. It is \$6.1 million for 2014-15 and around the same level for the forward Estimates.

CHAIR - If you look at the output group expense summary, it gives you an indication of the total amount, about \$12 million.

Mr DEAN - My question from that then is: is that funding purely related to Commonwealth issues, family law courts, is there control over where that contribution from the Federal Government is to be expended by way of legal aid?

Dr HILL - Yes, under the national partnership agreements it is segregated. Commonwealth funding is for family law, Commonwealth crime and Commonwealth civil matters that come up and, similarly, our advice service which provides telephone and face-to-face advice is partially funded by the Commonwealth and partially funded by the state depending on what they are advising on.

Mr DEAN - But it is an area controlled by Legal Aid, your area, isn't it?

Dr HILL - Yes.

Mr DEAN - I raise an issue that came from a solicitor of a firm that is involved in Family Court matters. They have said that a number of their clients whom they have been wanting to support have been penalised significantly because of the insufficient money available in Legal Aid to support their cases. What has been the position, have you had any claims for further funding from firms that are operating in this area?

Dr HILL - The firms would apply on behalf of their client and get a grant of aid and the grant of aid would be for a certain stage of the matter. Initially, it might be to investigate and advise on prospects of success and things like that. Then they would resubmit and get a further grant to take them to the next stage.

Mr DEAN - My question from that is: have you had any complaints or concerns brought forward by these firms where they have not been able to adequately service their clients?

Dr HILL - I haven't received any complaints of that nature, although I would say there is general noise out there about the level of remuneration. If you polled the private profession, they would wish it was more.

Dr GOODWIN - Mr Dean, just to give you a bit of information on the funding allocation model in relation to family law matters. The component factor of the family law practice areas include the Commonwealth Grants Commission's location factor, which aims to control differences between states and territories in wage costs, goods and staff movement costs under the state and territory regional costs. The model also takes account of state and territory characteristics identified as correlated with higher demand for family law legal services. These three risk factors are divorces including children per capita, male/female single parent payment recipient per capita and socio-economic composition. The three risk factors are weighted equally to give a total risk factor number, which is then weighted equally with the Commonwealth Grants Commission location factor to arrive at a component factor for male family law matters and female family law matters.

CHAIR - Are there further questions members? No? Thank you very much.

Dr GOODWIN - Thank you, Dr Hill.

1.6 Protective jurisdictions -

Ms RATTRAY - This covers the Guardianship and Administration Board. I am interested to know how many orders have been made, and could we have a brief overview of what has been happening in that area?

Dr GOODWIN - Within this output we have the Guardianship and Administration Board, the Mental Health Tribunal and the Public Guardian. I will give you the information you wanted on the Guardianship and Administration Board. The board received 1 228 applications for the year ended 30 June 2014. This compares to a total of 1 104 applications received in 2012-13 and 1 029 in 2011-12. The board conducted 735 hearings in the 2013-14 financial year. Hearings are conducted in all regions of the state. There are now 21 340 registered enduring guardianships in Tasmania, representing an additional 2 074 registrations in the last financial year. Since 2012 the board has charged fees for some limited parts of its operation - \$204 000 has been generated in revenue since 2012 as a result of this change. The financial year fees were waived on the grounds of financial hardship on 53 occasions.

In the last reporting year the Guardianship and Administration Board made emergency guardianship orders in respect of 168 persons, of which 85 orders were extended, making a total of 253 orders. Extensions account for 33 per cent of all emergency guardianship applications and frequently relate to persons accommodated at the Roy Fagan Centre. The Public Guardian is the applicant for all extensions of orders, meaning that one-third of emergency guardianship orders respond to an application by the Public Guardian.

Ms RATTRAY - Have any issues arisen out of that magnitude of orders? Lack of staffing?

Dr GOODWIN - Not that we are aware of, no.

Mrs ARMITAGE - With regard to the Guardianship and Administration Board, I notice from last year's Estimates a question was raised regarding the funding, or the critical under-funding of the Guardianship and Administration Board. Are you looking to increase their funding?

CHAIR - It doesn't look like it in the forward Estimates.

Dr GOODWIN - The fees were introduced to address concerns about funding. That has generated some revenue since 2012.

Mrs ARMITAGE - Can you give us the cost of operating the board? And the number of members?

Dr GOODWIN - I will take that one on notice. The number of members?

Mrs ARMITAGE - The number of members, but also the cost of operating the board, considering the Government is looking at boards and costs at the moment.

[12.00 p.m.]

CHAIR - I have a supplementary on that. Is there is a relationship between our ageing population and the increasing number of guardianships - you mentioned the Roy Fagan Centre? How do we address that, because it is going to continue and you can't keep stretching the funding?

Dr GOODWIN - In relation to the issues concerning the Roy Fagan Centre - that has been raised with me and we are working through those particular issues as we speak. It is an ongoing concern.

CHAIR - It is not only Roy Fagan. As our society ages, we are going to get, potentially, more calls on that service. Yesterday we discussed elder abuse with the Minister for Human Services, and that is going to be reviewed. I wonder whether there is a relationship there with the guardianship area.

Ms WEBSTER - The Guardianship Board, the President and the office of the Public Guardian are doing some education on this issue - about getting people to register their enduring guardians a lot earlier. We are also trying to pick that up with the Council of the Ageing and those sorts of things.

CHAIR - I was going to ask where you are doing that.

Ms WEBSTER - The Guardianship Board has conducted some education sessions, in relation to elder abuse in particular.

CHAIR - It is a growing market, I am sorry to say.

Mrs ARMITAGE - On page 5.10, the actual numbers for 2013-14 were not available at the time of printing. The matters determined within the statutory time frame - in 2011-12 it was 89, and in 2012-13 it was 78. Is it still progressing like that?

Ms WEBSTER - It is 80 per cent.

Mrs ARMITAGE - I realise that.

Ms WEBSTER - No, for 2013-14 the actual is 80 per cent. In terms of the number of hearings per sitting, I haven't got that information as yet. The annual report is just being prepared. It is due around 30 September.

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Mrs ARMITAGE - Thank you.

Ms RATTRAY - Following on from that, has it ever reached 100 per cent? Or is that just a percentage that makes everyone feel good?

Ms WEBSTER - It is a realistic figure, but it depends on the availability of specialist reports, for example, that might be required. It is certainly an aspirational figure but it depends on the information that is coming to the board.

Ms RATTRAY - Has it ever reached that figure?

Ms WEBSTER - Not to my knowledge.

Mr FINCH - I want to explore elder abuse a bit more.

Ms RATTRAY - Are you worried - it is getting closer?

Mr FINCH - I am protecting my own interests here. I had a solid complaint recently - \$750 000 was involved in the siphoning of funds from an older person. The family is very concerned about the situation, but I do not believe there is any course of action they can take. It's not that they are looking to get the money back, but they wanted to sound an alarm bell with me that it had occurred in the family. With the increase in dementia and Alzheimers, and people living longer, there are some unscrupulous people out there who see an opportunity.

I have a sense that this could be a burgeoning issue in our community. I want to sound that alarm and I wonder if this has come to the attention of your office - are you considering some sort of investigation? Maybe your education program is very good, but I want to put that concern on record because it is going to be an increasing problem.

Ms WEBSTER - My understanding is family members can make application to the Guardianship Board if they believe that is occurring and, depending on the outcome, the Guardianship Board may make an order giving the Public Trustee control of the person's finances. There is the capacity to do that but application would have to be made before the board. Someone has to advise us that is happening.

Mr FINCH - Has it been occurring?

Ms WEBSTER - I would have to take that on notice. The numbers of times where someone has said they are concerned about the family member's finances?

Mr FINCH - I would like to keep track of that into the future to see whether there is that increase and that raising of concern by family members about the way their parents or a parent is being treated as they find themselves isolated or lonely and possibly taken advantage of.

CHAIR - Another circumstance that might happen is, for instance, if a person suddenly has a major stroke or similar and needs to go into care and they have not made that provision.

Ms WEBSTER - There is a capacity for an emergency order in those circumstances.

Dr GOODWIN - Mr Finch, what you are highlighting is the need for people to make provision and that is what Ginna was talking about around encouraging people, and the education process of encouraging people, to put measures in place of enduring powers of attorney, enduring guardianships, so that people are not vulnerable to these sort of things occurring. As you correctly pointed out we do have an ageing population. Dementia is a significant issue and people can be at risk of financial abuse if there are not appropriate measures in place to prevent it.

CHAIR - There is an educational role, in that we all feel the same way that if you put in place the future power of attorney or enduring guardianship, then you think you put yourself at risk because what if someone says we had better activate that before you might want it activated, if you know what I mean. People are fearful. Just as many people do not make wills because they think they are never going to die or at least not yet - 'I will do that later' - and it leaves you and your family open to that.

Ms RATTRAY - Attorney General, there is not any detail other than a line about what the Mental Health Tribunal does. Why do we not have something in the budget papers when we have other areas that have performance information?

Dr GOODWIN - It is a new act that was passed last year and commenced on 17 February 2014. I can talk a little about that.

Ms RATTRAY - So there is not really any data as yet?

Dr GOODWIN - No, it is early days.

Ms RATTRAY - We still had that operation, that function, happening beforehand.

Ms WEBSTER - It would be like comparing apples and oranges because the requirements of the old mental health tribunal and the Tasmanian forensic tribunal, under that act are significantly different from the requirements under the new act. The comparison figures would be meaningless. We will have that information for next year's budget because we will have had a full year of operation of the act.

Dr GOODWIN - I can give you an overview of the workload of the tribunal since it commenced from 17 February 2014 and 30 June 2014. Interim treatment order made by a single member, 222; and matters heard by a three-member panel, 350. That comprised 196 treatment orders. Treatment orders made, 159; treatment orders varied, 30; treatment orders renewed, 7; reviews of treatment orders, 154; and that comprised 110 orders affirmed and 44 varied. In addition, the tribunal has conducted approximately 30 hearings in relation to forensic matters. While the tribunal has been able to manage the increase in workload to date, the department has initiated a project to review the tribunal to ensure its efficient operation and that the tribunal will be able to continue to meet demands.

In addition, both the department and the tribunal are working with the Department of Health and Human Services to identify and solve some issues identified in the implementation of the act. The situation with this is that the tribunal falls within the Justice portfolio and the Mental Health Act falls within the Health and Human Services portfolio, so we need to work very closely with the Department of Health and Human Services to work through the implementation issues.

Ms RATTRAY - Can you tell me what those issues are?

Dr GOODWIN - I guess they are in relation to the operation of the act and some of the challenges around that but I can run through the information that I have.

Ms RATTRAY - There were issues that the Parliament didn't foresee.

Dr GOODWIN - Yes, and with a totally new regime like this you are always going to have some implementation problems. When you start working through the processes then it throws up all sorts of unintended consequences, so there are some teething problems.

I will just give you an overview of exactly what the tribunal does and it might become a bit clearer then as to what some of the issues are. The tribunal's functions are as follows: to make, vary, renew and discharge treatment orders; to authorise treatment of forensic patients; to authorise special psychiatric treatment; to determine applications for leave from secure mental health units for patients subject to restriction orders; and to carry out any further functions given to it under that or any other act.

The new act differs to the previous act in a number of significant respects and has required all the tribunal's work practices to be revised. The most significant task in this respect has been the implementation of a new electronic case management system which is essential for the registry staff to manage the increase in work load properly.

Under the previous act, medical practitioners made an issue of continuing care and community treatment orders authorising the treatment of patients with mental illness, and the tribunal reviewed those orders within 28 days. Under the new act, the tribunal is solely responsible for authorising the treatment of patients.

Under the previous act, a patient with mental illness could be treated without informed consent if there was a risk of harm to the patient or to others. The new act requires that in addition to the risk of harm, the patient must lack decision-making capacity. The new act defines a new treatment path consisting of taking a person who is believed to have a mental illness into protective custody, assessing that person with regard to the mental illness and applying to the tribunal for a treatment order authorising treatment where the person is unable to provide informed consent.

Ms RATTRAY - The obligations are too onerous - is that what you are saying?

Dr GOODWIN - The obligations are rather onerous, if I could just continue on you will get an idea of potentially what is involved. The new act requires that an application for treatment order must be heard by the tribunal within 10 days of being lodged and allows the tribunal to make an interim treatment order in the intervening period.

Further, the new act provides a more extensive review regime, and treatment orders must now be reviewed within 30 and 90 days of being made and 90 days thereafter.

In addition, the tribunal may conduct reviews of a wide range of decisions made in relation to the patient by medical practitioners while the treatment order is in place, such as decisions to restrain, seclude or use force against a patient. These reviews may be conducted on the tribunal's own motion or on the application of a person with necessary standing.

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There is quite a lot involved in the new regime; it is quite a significant workload increase for the tribunal and I guess that has led to some of these implementation issues.

Ms RATTRAY - Have any people who were part of tribunal process just put their hands up and said this is just too onerous and that they are not going to be part of it?

[12.15 p.m.]

Dr GOODWIN - Some concerns have been raised with me by the president of the tribunal, Yvonne Chaperon. It is important to acknowledge that also there is an impact on the patient. Sometimes the patient will come to these hearings, and I have sat in on a couple of hearings, and it is a difficult process for a patient to have to keep coming to reviews and hear people talk about them and their medication and the process.

There are issues about that, in terms of the number of times patients potentially have to appear before the tribunal but there are also issues with regard to the workload for doctors and the information that doctors are required to provide and all of those processes that, until you get in to the new process and how often these reviews are required, you do not know what it is going to be like.

Ms RATTRAY - How are you going to address those issues?

Dr GOODWIN - We are working through this with the president of the tribunal and also the Department of Health and Human Services. It is their legislation so if any amendments to the act are required, we will have to negotiate that with them, and the department is also doing some work to review the operation of the tribunal. It is important to get the balance right. The intention behind the act is sound. There are always going to be implementation issues and we will have to get that balance right.

Ms RATTRAY - So we have overstepped the mark?

Dr GOODWIN - Potentially, we have.

CHAIR - There are a number of mental health advocacy groups. Are they included or will they be included in the review? Have you had contact from them?

Ms WEBSTER - They were part of the initial steering committee and they will be consulted as part of that. The steering committee continues to meet but on a different basis so it is reviewing the implementation of the acts, so they would be consulted. It is the role of the Department of Health and Human Services to facilitate that process and the president of the mental health tribunal regularly meets with those stakeholders and they have also raised some concerns.

Dr GOODWIN - Often you may have an advocate or a legal representative who would be present, and I might be exaggerating, but sometimes there will be an advocate or a legal representative at the tribunal hearing with the patient, or a family member of the patient, to support the person. I imagine those people have valuable feedback about the processes.

CHAIR - I wanted to make sure that feedback is listened to and included.

Ms RATTRAY - How long is this review going to take? And how long is it going to be before Parliament sees something that might address some of these issues?

Dr GOODWIN - We will do our best to negotiate with the Department of Health and Human Services.

Ms RATTRAY - I know the Government is in a hurry. Maybe this is one where you can put a focus.

Dr GOODWIN - The act only commenced on 17 February so it is still early days but these issues have been identified and we are working on them.

Ms RATTRAY - If so many issues have been identified so early then it would make sense to get moving on it, even know though the work load is high.

Dr GOODWIN - We are.

1.7 Anti-Discrimination Commissioner -

Dr GOODWIN - May I invite Robin Banks, the Anti-discrimination Commissioner, to the table?

CHAIR -Welcome

Ms BANKS - Thank you.

Mrs ARMITAGE - Can you advise the number of complaints that are currently in and how they compare to previous years. I mean the ones that are rejected as well because we have only the ones that were accepted here.

Ms BANKS - In the current year 2013-14 because that is the year complete, we received, 181 complaints, which was an increase on the previous year, when the number was 161. The type of complaints - again, complaints in relation to disability discrimination dominated, slightly up on last year. About 47 per cent of complaints in 2013-14 were disability discrimination complaints. We saw a drop off, which was quite pleasing, in race discrimination complaints. Last year they were the second highest level of complaint, but they have dropped back to around 10 per cent, whereas gender and age complaints have gone up, and they now represent the second and third highest level of complaints. They are only at 12 per cent and 17 per cent compared to 47 per cent for disability discrimination complaints. That is all complaints received, not just the accepted complaints.

The types of complaints - the dominant area continues to be employment, with 44 per cent of the complaints alleging discrimination in employment. When people feel discriminated against in employment it is having an economic effect and they are much more likely to take formal proceedings, and that is reflected in the relatively high percentage. In 41 per cent of the complaints, the complaint included allegations concerning the provision of facilities, goods and services - in retail, a range of other areas.

One of the pleasing changes in the last year was a reduction in complaints against government entities. In 2012-13, 27 per cent of complaints - almost 28 per cent of complaints -

were against government including GBEs and others. That was down to 24 per cent in the year just gone. So there has been a slight shift, and we have done a lot more training in the government sector in the last year as well. You see a positive response with that training.

Of the complaints received, 122 of them were accepted, which is 67 per cent. That is down on previous years, and I am certainly very aware of how that kind of pattern can emerge. Late in the financial year we received a number of separate complaints from one person - all of which were against different people. They either didn't disclose any possibility of discrimination, or were better dealt with by another statutory authority. Many of them related to health matters - the Health Complaints Commissioner. In those cases it is appropriate to reject the complaint, and refer the complainant on to an alternative body.

When you get 181 complaints, a clump like that can make quite a big statistical difference.

Mrs ARMITAGE - Is there a dominant area of rejected claims?

Ms BANKS - I suspect we would see high numbers in disability. I haven't looked at that specifically. I could take that on notice and seek to obtain that information.

Mrs ARMITAGE - Do you feel that 67 per cent of complaints resolved - is that a low target? To expect to only resolve 67 per cent of complaints that come in?

CHAIR - They are not resolved, they are accepted complaints, aren't they?

Ms BANKS - That is accepted complaints.

Mrs ARMITAGE - Accepted complaints resolved - that is what it says here.

Ms BANKS - I am certainly pushing for an increase in the resolution rate. We are doing a lot to try to achieve that through the use of early dispute resolution. We have seen an increase in resolutions over the last couple of years, as we have held dispute resolution meetings earlier in the process. Parties are generally more amenable to finding a solution if it is earlier on, and not so stuck in their positions if we can get them to the table. But there is some resistance to that process from some people.

Mainly, it is a legal process, and people are concerned to get legal advice and feel that their legal position is properly reflected and alternate dispute resolution always, from my experience, comes up against that sort of resistance. The more people see it working, the more likely they are to want to participate. Most people we deal with are one-off players. We don't have lots of repeat players. With government we certainly see departments being named in complaints more than once. It is important that they see there is a benefit to that early dispute resolution process because they are more likely to participate it in future and more likely to get resolutions. I am aiming for more over time. It is about getting the change process to work.

Mrs ARMITAGE - Do you think the targets should be higher?

Ms BANKS - In the longer term, yes.

CHAIR - Can I ask for clarification on that? If you accepted 67 per cent of the 181, what percentage was resolved? Did you resolve 100 per cent of that 67?

Ms BANKS - No, we did not resolve 100 per cent. I do not have that figure off the top of my head, sorry.

Dr GOODWIN - I think it is 74 per cent finalised within 12 months of receipt.

Ms BANKS - That is finalised and that would include rejections. It would not necessarily be 74 per cent were resolved.

Dr GOODWIN - Resolution was achieved in 72 complaints.

Ms BANKS - Of those 72 complaints, some were received in that financial year and some were received in an earlier financial year. We are still trying to work out the right way to measure this. Our data collection system which has now been in place for a couple of years is getting to the point where we are getting good data from it and we are able to say, of the complaints received and accepted, this is the number that were resolved. There is a lag time because some of them are resolved early and some of them are resolved a year later.

What we are now looking at measuring is of those closed in a year, what percentage was closed because they were resolved, and what percentage were referred onto the tribunal or dismissed or rejected. It is an interesting question about how do you measure?

Mrs ARMITAGE - I accept that but I would still have liked to see a higher target. If you have a lower target it is easy to achieve it and you do not have to try quite as hard.

CHAIR - One would imagine of the 67 per cent that you accept, you would hope to resolve pretty much all of them, if not in that financial year, then in longer term.

Mrs ARMITAGE - I do not read it like that. I read it as it says: accepted complaints resolved, so 67 per cent.

CHAIR - That is why I am raising the question. I do not think it says you aim to resolve 67 per cent of those accepted.

Ms BANKS - We cannot control resolution. It is up to the parties, so our target for next year is 67 per cent.

Mrs ARMITAGE - Which is a low target.

Ms BANKS - It is an increase from this year and from the year before. We would love to resolve 100 per cent but that is not realistic because the parties have a right not to resolve. We do not determine complaints in my part of the process. We encourage parties to resolve and we offer opportunities to do so and we provide them with a lot of information about the application or otherwise of the law to the situation. We cannot advice on the merits of their case because that would be going outside my role.

Some of them get dismissed, some that have been accepted subsequently get dismissed because the respondent provides evidence that says there was no possibility of discrimination. It would not necessarily be appropriate to resolve those.

CHAIR - Isn't that a resolution?

Ms BANKS - It is a resolution but it is not a resolution in the sense that, if you treat that as a resolution, 100 per cent would be resolved. I am happy to achieve that target. By resolution, I mean the parties reach an agreement that is binding and that is a matter for the party. The other ways in which we finalise complaints, and that is the term I would use, is to dismiss them or to refer them to the tribunal because we have attempted resolution and it has not been achieved. The matter is of such a nature that it should be determined by the tribunal so it raises issues of law that need to be addressed.

The third one, which is the one I try to minimise, is where we have been unable to complete our investigation within the statutory time frame which is 6 months. It has to be referred to the tribunal in that situation.

[12.30 p.m.]

Mrs ARMITAGE - You might need another line next year. Another question to you, minister, would be the co-location of the Anti-Discrimination, and Integrity Commissions and the Ombudsman. What will the overarching benefits be and what savings do you consider and do you consider it will be too large?

Dr GOODWIN - Too large?

CHAIR - They are only co-location.

Mrs ARMITAGE - Will they be sharing staff or will they simply be co-locating?

Dr GOODWIN - It is purely a co-location. This is something that is still to be worked through. There might be a common reception but that is still a matter to be decided.

Mrs ARMITAGE - So they are not necessarily sharing a secretariat? I thought it might be a saving.

CHAIR - Savings in rent. Instead of three separate rents you get one.

Mrs ARMITAGE - I appreciate that but I thought for the three of them co-locating there might have been some other savings - secretarial?

Dr GOODWIN - Potentially there could be a common reception but that is all to be negotiated. They would be able to share facilities like meeting, conference and hearing rooms. The intention is that it is a co-location.

Mrs ARMITAGE - It is purely a co-location? Not a sharing of staffing and other areas? I thought there might be some savings there.

Dr GOODWIN - Potentially, there could be some savings. What we are looking at is the co-location and it is still to be worked through in conjunction with the three entities - the Anti-Discrimination and Integrity Commissions, and the Ombudsman.

Mrs ARMITAGE - What would the staffing be - the FTEs - in the Anti-Discrimination Commission?

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Ms BANKS - Excluding myself, and I am the full-time Commissioner, it is 9.8, so 10.8 in total and, like the Legal Aid Commission, the staff are employed by the Department of Justice. .

Mrs ARMITAGE - Will the pay pause affect the numbers in Anti-Discrimination?

Dr GOODWIN - .Yes.

Mrs ARMITAGE - One last question about the investigation that was undertaken previously with the volunteers' insurance and age. I notice that it had gone out to a couple of groups and I wonder if it has progressed any further. Have there been any outcomes from the investigation that was undertaken by the department?

Ms BANKS - Because insurance is a national issue, the former Attorney-General referred the report though COAG at the national level and it has been picked up, I am pleased to say, by the federal Age Discrimination Commissioner, Susan Ryan, and she is working with the insurance industry to progress a number of the matters in that report. A couple of the recommendations have become moot points now because the insurance review committee which was operating until early last year no longer exists. There is not now a national working group that involves the insurance sector working with government to try to reform some of the issues but the Federal Age Discrimination Commissioner continues to work on the issue and she provides me with reports back.

The other positive thing that came out of it were discussions earlier this year with the Insurance Council of Australia and the former Attorney-General of Tasmania that indicated that they welcomed the report. They had the Institute of Actuaries' review and felt that they were sound in actuarial terms; the Institute has issued further guide materials to their own members about the issues of age and insurance risk. That is positive at the level of community education or professional education changes.

Mrs ARMITAGE - It is good to see outcomes from a report because, as mentioned earlier by the member for Apsley, often reports are just popped up on shelves.

Ms RATTRAY - I think it was the member for Windermere?

Mrs ARMITAGE - I might have mentioned it yesterday?

Mr DEAN - You might have answered this before.

CHAIR - You know you will be in trouble with me if you ask the same question.

Mr DEAN - Amongst the complaints you have taken, have you taken or caused any actions to be taken under the Anti-Discrimination Act?

Ms BANKS - I am not sure I understand your question.

Mr DEAN - In the complaints that have been made to you and in resolving those matters, have you found need to take those matters further with any actions being taken against anyone?

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Ms BANKS - That is generally not a matter that I have any authority to do. The Anti-Discrimination Tribunal determines the matters. I don't make determinations about whether discrimination has occurred. I am empowered to determine that the possibly of discrimination exists and that the matter should be investigated, and potentially proceed to the tribunal for them to make a decision. I generally can't take any action against a party.

Mr DEAN - Have you completed a report in that form to go to the Anti-Discrimination Tribunal for their consideration.

Ms BANKS - I have referred a number of matters at the completion of investigation, or subsequently, because we weren't able to achieve a conciliated outcome.

Mr DEAN - Do they come back to you after you do that?

Ms BANKS - No, the tribunal has separate jurisdiction to me. Once the matter has gone to the tribunal on a referral it is a matter for the tribunal. I get notified of outcomes but the matters stay with the tribunal.

The only matters that come back to me from the tribunal are if I reject a complaint at the outset or I dismiss a complaint. Those decisions can be reviewed by the tribunal and if the tribunal feels that I got it wrong, they can overturn my decision. If they overturn a rejection decision they send it back to me for investigation. If they overturn a dismissal they proceed with a hearing into that matter quite separately from me, so I don't get engaged in that process.

Mr DEAN - So, if any person making a complaint to you is aggrieved by your decision, they have a right to go to the tribunal? Is that where they go?

Ms BANKS - There are two different ways in which people can seek a review of my decisions. Under the act, if I reject or dismiss a complaint, the complainant has a right of review, under the act, to the tribunal. If I make a decision that is subject to judicial review or administrative review - for example, if I accept a complaint that is lodged outside the time limits - then the respondent can seek a review of that decision in the Supreme Court. So I am subject to two forms of review - the Tribunal's review and the Supreme Court on administrative decision review.

Mr DEAN - There would not be too many taken to the Supreme Court, would there?

Ms BANKS - In the four years I have been the commissioner there have been, I think, three matters commenced but all of them were resolved before the court had to determine them.

Mr DEAN - The other question was in relation to bullying. Have complaints been made to you in that area - are they up or down?

Ms BANKS - We get a pretty constant stream of complaints in which people use the language of bullying, and part of the problem is that language. 'Bullying' is quite a subjective term and it is not a term in our act. We have the provision that was amended by the Parliament - and the changes came into effect on 1 January - that makes conduct that offends, humiliates, intimidates, insults or ridicules on the basis of particular characteristics like race or disability - there are 14 characteristics listed - unlawful under the act in certain circumstances. That is where

most people would characterise behaviour as bullying. I couldn't tell you how often the word 'bullying' comes up in complaints but it would a reasonably significant percentage of complaints.

Mr DEAN - What is your position on vexatious and frivolous complaints? Do you make your position clear in those cases? You mentioned someone who made several complaints.

Ms BANKS - That situation I was talking about, I wouldn't have characterised those complaints as vexatious. They were certainly misconceived, but not vexatious. We occasionally get vexatious complaints, there is no doubt about that. One of my rejection grounds is that the complaint is frivolous, vexatious, misconceived or lacking in substance. I think I have used the vexatious language a couple of times in the last two years.

Recently I rejected a complaint - and the rejection is being reviewed by the tribunal - on the basis that I considered the complaint to be vexatious. The person has made numerous complaints in the past, none of which has disclosed, in my view and the previous commissioner's view, any possibility of discrimination. I took what is a somewhat courageous step, given the way the tribunal treats the rejection power, in rejecting the complaint on the basis the complaint was vexatious.

We will see what the tribunal has to say about that decision. It is relevant to note that the vexatious litigant provisions, or the legislation that was enacted some time ago, does not allow me to refer a party to the Supreme Court as potentially vexatious. I am not empowered to do that. I suspect I could talk to the tribunal if I felt that was the case but I am not empowered to do that myself.

Mr DEAN - With regard to the age complaints, do they relate to persons not being employed because of age? Where do most of the age complaints come in?

Ms BANKS - That is the bulk of the complaints around age. It is people feeling they have not been employed or they have not been given opportunities in their work environment because of their age, or that they are being targeted for redundancies or termination because of their age.

CHAIR - Thank you, commissioner.

1.8 Elections and referendums -

Dr GOODWIN - I will invite Mr Julian Type, Electoral Commissioner, to the table.

Mr DEAN - My first question is, has the office updated its equipment? We had a failure recently where it ate up some of the returns. Are we satisfied that the equipment is now updated so that should not happen again?

Dr GOODWIN - I will hand over to Mr Type to answer that question but I want to make some comments to start with. I know that was a matter of enormous concern to the Electoral Commissioner and that he was deeply disappointed by what occurred. Steps have been taken to address that. I will ask him to go into the specifics of it.

Mr DEAN - Asking the question is by no means an attack on the commissioner. It is to see whether the equipment is updated and whether we are spending enough money in the office.

Mr TYPE - Yes, we have bought quite a number of new letter opening machines in recent times which have a less intrusive manner of operation. This was something of 'a perfect storm' with the Denison ballot papers because they were postal ballot papers and they came from the printer flat, as they do for parliamentary elections. When they were put through a letter folding machine, unfortunately the fold went straight down the middle of the Liberal party column on the ballot paper which meant that when the elector voted and refolded them and put them back in the ballot paper they were very close to the cutting edge.

It is not entirely uncommon for ballot papers to be cut during the operation of a letter opening machine but generally they can be repaired without anything other than cosmetic damage being done. This was a combination of two very regrettable circumstances which will not happen again because we will have the printer fold the postal ballot papers from this day forward.

[12.45 p.m.]

Mr DEAN - I have had a complaint from a person trying to enrol in the local government elections in the office. What they have told me is that they have had difficulty in putting their application into the office in hard form. They have been told that it has to be done electronically. In the finish they were then given the right to do it by hard copy and they have enrolled in the local government elections through the hard copy, or will be enrolling. They say they have been told that all the information after that, the candidate information and so on, must be provided electronically. It will not be accepted in hard copy form. Is that right? If it is the case, is it fair? Many people still do not have computer access.

CHAIR - Is it discriminatory?

Mr DEAN - Is it discriminatory? That is the question I had written down.

Mr TYPE - It has more than a grain of truth to it, Mr Dean, yes. We are talking about the candidate statements for the forthcoming local government elections. Yes, we are asking all candidates to submit them electronically or to submit them online. The reasons for this are various. The main one is that we have now moved from half council elections to 'all in, all out' elections. We are a very small organisation. We are potentially going to be dealing with something in the order of 600 candidates and our contingency plans probably have to cater for slightly more. To streamline the process, we are asking candidates to submit their statements online.

We have also provided this year the opportunity for candidates to submit a photograph which we will publish alongside their statements which should make for a more attractive product when we send the ballot material to voters. The photograph is going to have to be submitted online anyway.

Finally, we have said that if you have a disability which would prevent you from submitting your material online, please contact us and we will make alternative arrangements.

Having said that, these candidates are contesting local government office and they are going to be expected, if they succeed in winning office, to communicate with their councils by email to receive agenda papers and so on by email. I don't think, for the most part, it is an unreasonable expectation. Due to the scarcity of our resources it is a necessary one.

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Mr DEAN - With the greatest respect to the Electoral Office, it is not up to the Electoral Office to force that on candidates. They will pick up the computer information if they get in and a lot will do that.

CHAIR - Councils will provide the facilities.

Mr DEAN - That is right. Not only that, the council will provide the training and the facilities. What is a disability? Is a disability merely the fact that someone doesn't have that capacity at this stage to do that? That they don't have the equipment to do that?

As this candidate has said to me, they do not have the access to that system unless they go into a library. They want to do it in hard copy. Has the Electoral Office a responsibility and onus to receive that because there is no form of legislation saying they can't do that? That is the way it has happened previously, so why can't it happen again? You have given us reasons; there will be 600-odd applicants, but is that a reason, with the greatest respect, to have candidates at this stage provide it electronically?

Mr TYPE - The legislation is fairly thin on candidate statements generally. They are at the discretion of the Electoral Commission. If the candidate concerned, and as I say it is clear in our information, has a disability that would prevent that candidate from lodging their information statement online, contact us and we will make alternative arrangements.

Mrs ARMITAGE - It is the word 'disability', isn't it?

Mr DEAN - As long as those people aren't going to being discriminated against - there is only one at this stage but they are discriminated against inasmuch as they can't do that and you don't see that as the situation.

Mr TYPE - Mr Dean, I have explored the question. I don't think in this day and age that it is not unreasonable to expect someone who is seeking local government office to provide us with an online submission. But we will make alternative arrangements for people who have a disability that would prevent them from doing it that way.

CHAIR - I have a supplementary question. Most councils have someone to accept nominations, do they not?

Mr TYPE - Yes, they do.

CHAIR - Is there any reason why a person couldn't bring a hard copy into council. It could be scanned there?

Mr TYPE - I would not be surprised if many councils provide assistance but I have not asked them to do that. There are also LINC centres across the state where it would be possible for the information to be submitted.

CHAIR - But they very often go to council chambers to get the nomination papers.

Mr TYPE - They will still be required to lodge their nomination paper which is now a separate document with either the returning officer or the electoral officer at the council

UNCORRECTED PROOF ISSUE

concerned. With photographs, that is the only way that we are going to get them, because photographs in this day and age are electronic files. We are going to have to have them uploaded.

CHAIR - I understand that. We are talking about making it possible for people who might be in small communities and may not, at this point, have their own facilities. Perhaps there could be a request from you to returning officers to provide this service if people need it. Not just on disability grounds.

CHAIR - If notice had been given to candidates that they would be required, as of this year, to submit their candidacy information online, that would have been reasonable. But as I understand it there was no notification of that requirement and no advertising. This candidate has come to me and said they were not aware of the requirement until they walked into the council office to do it, and they were told they had to do it online. Are you aware of this situation, minister?

Dr GOODWIN - Mr Type may be able to clarify that but he mentioned that it was in the information pack that went out to candidates - that was what the requirement was going to be. He also made it clear that if someone is unable to submit it electronically, if they contact the electoral commission there would be -

Mrs ARMITAGE - With respect, that was 'if you had a disability'.

Mr DEAN - Minister, he has not said that. He has said that they must have a disability. Not an unavailability, but a disability.

Mr TYPE - Back in May, or June, we conducted a series of local government seminars organised by the Local Government Association for intending candidates. Our intention to ask for candidate statements to be submitted online was made clear then. The candidate information booklet, although it is dated August 2014, was published on our website late July 2014 and it is clear from that what our expectation would be this year.

Mr DEAN - How many personnel are employed in your office?

Mr TYPE - Our current FTEs are eight, excluding myself. If I may crave the committee's indulgence, one of the issues we face is dealing with many hundreds of candidates at local government election time.

Mr DEAN - Is there sufficient staff to cater for the local government elections coming up, because of the large number of candidates. Can your office cope with the traffic that will create over the next couple of months?

Mr TYPE - We have the capacity to employ staff under the Electoral Act 2004. In terms of access to a suitable number of staff, we have no issues whatsoever. The problem for a small organisation like ours is ramping up a skilled workforce. There is a limit to the skills that can be imparted to a temporary workforce in a short time. That is really the problem - the small pool of expertise that we have to start with.

Mr DEAN - You only have a small increase in the Budget. It is not going to allow you to do too much more. I guess the minister is aware of that.

Dr GOODWIN - There is a reserve by law allocation for elections.

Mr TYPE - Yes, there is. We always try to cut our coat to fit the cloth.

Mr FINCH - What is the quantum of that reserve you just mentioned?

Dr GOODWIN - It varies according to the year, this being a year where we have the 'all in, all out'.

Mr FINCH - State elections and Legislative Council elections?

Dr GOODWIN - It is a notional allocation; if it needs to be exceeded it will be. For 2013-14 it was \$3.444 million, for 2015 \$12.03 million, and there is a note there, 14, which says the movement in reserve by law items reflects the timing of various elections overseen by the Tasmanian Electoral Office. It varies in any one year depending on what is coming up.

Mr FINCH - Is there an allocation for each of the different types of elections?

Dr GOODWIN - That is my understanding.

Mr FINCH - For instance, federal election, state election, council election, legislative elections. Can I have the amounts for those? Are they set?

Dr GOODWIN - I do not have the specifics of it, all I can tell you is what the allocation is in the forward Estimates.

Mr FINCH - Do they vary from year to year?

Dr GOODWIN - Yes, they do. It reflects the timing of various elections overseen by the Tasmanian Electoral Office. For example, if in one year there is a Legislative Council election and a state election you would expect it to be a higher allocation than in the year when there are only Legislative Councils elections. It is reflected in the figures; in 2013-14, when we had a state election there is an allocation of \$3.4 million and in 2017-18, when we have another state election there is \$4.3 million and in 2014-15 when we do not have a state election there is \$1.2 million.

Mr FINCH - But is there a set amount? Is there a set amount for a state election?

Dr GOODWIN - I do not believe so.

Mr FINCH - How do we keep tabs on how much is being expended? Is it at the end of the day what is spent is then what that election costs?

Dr GOODWIN - Yes.

Mr FINCH - There would be an opportunity there if technology improves, for example in the council elections we have more people putting their hands up to be candidates and it requires that extra work by the electoral office. That is then proceeded with, then there is the cost evaluated at the end and then that has cost this much this year.

CHAIR - Local government elections are paid for by councils, so that does not come out of the state Budget.

Mr FINCH - Right. We talked about the extra work and how it involves the Electoral Commission, are your costs in respect of, say, local council elections, set each time or do you have a variation in what your expenditure might be?

[1.00 p.m.]

Mr TYPE - We run the elections, figure out how much it costs and then bill councils accordingly. We have over many years maintained our costs to CPI and growth in the electoral roll. We have not, as far as I am aware, exceeded that for around a dozen years but the elections this year are going to be considerably different. We are moving to the first 'all in, all out' local government elections so it is very much a case of let us see how much it costs. We will apportion the cost between councils and then councils will reimburse us accordingly.

CHAIR - The upside of that is that it is only going to be once every four years now rather than every two years. That should still be a saving over the longer term for councils.

Mr TYPE - Yes, my back of the envelope figures would possibly be - it might cost you 150 per cent of what it cost you in the past, but that still means you are only going to be paying 75 per cent of what elections cost you in the past, because they are only once every four years.

Mr DEAN - Is that on a full cost recovery basis to local government, and, if it is, is it apportioned on population basis for each council?

Mr TYPE - I should say, in the interests of completeness, that the Government has given us \$350 000 in development costs for the first 'all in, all out' local government elections, so there is this time only a subsidy to local government.

In terms of the calculation of costs, it is not on a per capita basis. In many ways I would prefer that it was because it would make the calculations easier. There are many costs that go into it - how many candidates nominate, how many people return ballot papers, how many ballot paper movements there are in terms of the count. Some costs we do per capita, such as the advertising campaign. It is capitated across the state, but the formula we use is quite a complex one, which I am not even sure I completely understand myself.

Ms RATTRAY - How do you know what to charge each individual local government area?

Mr TYPE - We cost about 14 separate components of the election process to each council and then the total is what we charge them. One thing we can be sure of is that what we charge the 29 councils is what it costs us.

Mrs ARMITAGE - The recounts come into it obviously.

Ms RATTRAY - Have you had any complaints from local government areas about the costs? That would be a telling factor.

Mr TYPE - I think the last complaints we had, and they were just polite enquiries, were back in 2007. Until now, for the past 12 to 15 years, we have contained costs to growth in enrolment

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and CPI, so local government have not had much to complain about. This year could be a bit different because we are moving to the new scenario.

Mr FINCH - While we have covered local council, I wanted to ask about the Legislative Council elections and the state elections. How is the cost apportioned then? Do you do the same back to the legislature, back to the House of Assembly? How does that work?

Mr TYPE - No, the costs of House of Assembly and Legislative Council elections are reserved by law, which is different to budget funding in that it means there is some guarantee that the costs necessary to conduct those elections will be made available. Which is unlike budget funding, where we absolutely must live within our means.

Mr VALENTINE - About the mention of the \$350 000 that the Government are giving you for this upcoming local government election. Where is that shown in the budget papers? It doesn't seem to be reflected in there

Dr GOODWIN - It is in last year's allocation.

Mr FINCH - Is there a limit on how much a candidate is able to spend at a local government election?

Mr TYPE - There is not a global limit but there is a limit on the amount a candidate may spend on press advertising and the time on radio and television. That limit is \$5 000 if a candidate is contesting only a council or alderman position but it rises to \$8 000 if the candidate is also contesting a mayoral or deputy mayoral position. But it is not a global limit in that it doesn't include things like direct mailings, cinema advertising, the cost of production of the television advertisement, and so on. Those costs are not captured so in some ways, it is a little more of a rationing mechanism. It is not quite like the \$14 500 limit for Legislative Council elections, which is pretty much a strict cap.

Dr GOODWIN - And there is a limit on the number of posters as well, isn't there?

Mr TYPE - There is a limit on the number of posters, and on their size, minister, but not on the cost of them. They could be gilt-edged.

CHAIR - The \$5 000 limit or higher for mayor and deputy mayor is only for spending within the election period, isn't it, not before? But you could be doing that sort of advertising before the election period starts without it being affected?

Mr TYPE - Yes, but the capped period starts one month before the notice of election, or 30 days. This year, the capped period started on 14 August and finishes on the day the poll closes, 28 October - so yes, Mrs Taylor, any advertising prior to 14 August, again, is not captured.

Mr FINCH - How is that overseen? Is that just through complaints from opponents or only at the end when people declare what they have actually spent? Is there any oversight of the election process at all, apart from complaints that are made by people who are contesting the elections?

Mr TYPE - Yes, Mr Finch, there is. All candidates are required to lodge a return of relevant electoral advertising expenditure, even a nil return. We also obtain returns from publishers and

broadcasters. In fact, one of the prosecutions that we did run was by comparing broadcasters' returns to candidates' expenditure returns. Yes, there is a level of enforcement and detectability but as you correctly say, most likely it is going to be after the event. I guess if someone ran 15 minutes of television advertising, we would know very quickly.

Mr FINCH - What do you do? Do you prosecute? What was the last situation you had where there was a breach of what should occur?

Mr TYPE - The most recent prosecution was for failure to lodge an electoral advertising return, and I think that arose from the 2011 elections. I am speaking from memory, there are two that stick in my mind; the other one was an expenditure of more than \$5 000 from an aldermanic candidate, which probably goes back to 2009. If you want further details, I will take the question on notice.

Mr FINCH - No, that is quite okay. I am just wondering, Attorney-General, has there been a review of the operations of the Electoral Commissioner and the office, has there been a review of the work that is done and how it is done and perhaps there might be some suggestions that it could be reviewed in the future to see whether operations are in keeping with changing trends and opportunities like electronic - ?

Dr GOODWIN - It sounds like a good job for a committee to me but no, there hasn't as far as I am aware. Julian, are you aware of any reviews in recent times?

Mr TYPE - No, minister, a number of other states do have standing committees to review electoral matters. The Community Development Committee has, to some extent, operated in that space in Tasmania, but in other jurisdictions, particularly at the federal level, there is the Joint Standing Committee on Electoral Matters which conducts a thorough review of each electoral event - nothing as systematic as that has taken place in Tasmania for quite a while.

Dr GOODWIN - In all seriousness, I know some concerns arose out of the last state election and the member for Apsley raised some concerns around social media and those things. Certainly issues have arisen in recent times about election campaigns and how contemporary the legislation is and there may well be issues that emerge out of the local government elections that are coming up. I think Mr Type's view would be to stay away from any reviews until at least he has had time to get through this next very busy period with the local council all-in, all-out elections. He is probably very nervous at any suggestion of a review right here and now.

Mr FINCH - There were a lot of concerns about my election campaign. I felt, when I called you to make my complaint, that I didn't think the responses were satisfactory in giving me comfort that I might be able to challenge the process and have it prosecuted effectively. The point is that when you finish an election campaign, you are just so damn glad it is over that you try to get on with life. Yet, with the campaign I had, I felt that I wouldn't be justifying the energy to proceed with the complaints that I felt I wanted to make.

I highlight one in particular - robocalls. We had those employed during my campaign and I am seeking some clarification here. I think robocalls are illegal in Australia, and the robocalls that we had generated in my electorate were from overseas because there is no jurisdictional coverage of those calls being generated from overseas. Am I right in my assessment there?

Dr GOODWIN - I don't know. Mr Type might be able to answer that.

Mr TYPE - You are probably dealing in an area of telecommunications law, which is in the federal arena anyway. I need to make that qualification. Having made that qualification, I don't believe robocalls are illegal under Australian law, and I believe some of them most definitely originate from within Australia, maybe not in relation to the recent Rosevears election, but certainly in relation to the House of Assembly elections earlier this year.

Dr GOODWIN - I believe they have them in the federal elections as well. There is the implied right to political communication in the Constitution as well. Although they obviously cause offence in some cases and annoy people, I don't think they are illegal as such.

Mr VALENTINE - They do mention the candidate's name sometimes.

Mr FINCH - In my case that was the idea of it. That is why when I talk about a review, this element that has come into our election process is really quite distressing for people - not me - it was a win for me because it worked in my favour. However, for the electorate, for people, the bad reaction from my electorate, and certainly federally as well, should be cause for concern for the election process. They occur and they are distasteful to most of the electorate.

Ms RATTRAY - A reference for the committee.

CHAIR - Yes. I was going to say, the Attorney-General has already said there no review planned, so has the Commissioner, so I think we should take that outside of this - leave it at that.

Dr GOODWIN - Mr Type would like to respond.

Mr TYPE - Mr Finch, I did, in one of our annual reports - I can't remember if it is last year's or the year before's - say that once robocalls hit the airwaves then our phones start ringing as well. They certainly do not appear to be much appreciated by the Tasmanian community. I have put that comment on the public record but that is a very long way from saying that they are illegal. As far as I am aware they are not.

[1.15 p.m.]

Dr GOODWIN - The Chair is keen to wrap things up now. I thank Julian very much for his time and we will let him get back to the local government elections.

Mr VALENTINE - I had a question different to robocalls, which I would have thought was covered under general advertising. How often do you find that you have to disbar a candidate because they breach the act? It might be that they are bankrupt, or they might have an initial or continuing mental health disorder. There are a number of things in the act that say that a person cannot nominate as a candidate if they have any of the list of things. Presumably you go through these with every nomination?

Mr TYPE - We rely, and must rely, on the candidate's declaration that the candidate is qualified. If a bankrupt person or a person subject to an order under the Mental Health Act were subsequently elected then there would plenty of grounds for that election to be challenged at that time.

Mr VALENTINE - So they are not checked before they are officially designated as a candidate.

UNCORRECTED PROOF ISSUE

Mr TYPE - The candidate is required to make a declaration. That is standard practice across jurisdictions. The same thing applies for a nomination for the federal parliament.

Mr VALENTINE - Would that be the same with other legislation to your knowledge, Attorney-General?

Dr GOODWIN - I am not sure.

Mr VALENTINE - It is an interesting one and it could be another reference for the committee. It seems to me that if there is a reason why someone should not be a candidate that it would be best to address that prior to being elected rather than causing a disturbance after they are elected. Who checks a medical record to find out whether the person does have -

CHAIR - Other candidates would.

Mr VALENTINE - They may or they may not but they would not have access to it. I would have thought that it would have been the Electoral Commission's job.

CHAIR - That is always the point with a person making a statutory declaration for all sorts of things. We presume that they are telling the truth but they may not be.

Ms RATTRAY - It was said last week that the community get what they get.

Mr VALENTINE - My other question is on the Budget itself. When you talk about the \$350 000 being in last year's allocation, is that in the \$796 000? There is a significant difference between that and this year's and following years' budgets or is that separate?

Dr GOODWIN - I have been advised that it came through as request for additional funding. It was a RAF.

Mr VALENTINE - Okay. We note then that between 2014-15 and 2015-16 there is a drop of \$81 000 and then a rise of plus three in the next year and plus 20 the next year. I do not think that it is to do with the 27th pay cycle, otherwise it would probably be more. It seems a little strange in the way that it has gone up and down.

Mr TYPE - One of the differences in our annual cycle is whether there are two or three Legislative Council elections in a given year. That makes a difference of \$200 000 from year to year depending on whether it is an odd or an even year.

Mr VALENTINE - That changes the allocation simply because of that.

CHAIR - If there are no further questions on this then we will finish output group one. I had hoped that we would finish that whole portfolio before lunch. As it is now 1.20 p.m., if it is okay with the minister, we will break now for an hour for lunch and come back at 2.20 p.m.

Thank you, Mr Type, for your time. When we come back we might do the Integrity Commissioner and DPP as we planned. We can then come back to this if that suits you.

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Dr GOODWIN - For the benefit of the Justice Department representative, do we have an idea of your aim in getting on to the Corrections side of things?

CHAIR - My aim was to finish this portfolio at one o'clock and then start the next one at three. I am entirely in the hands of the members as to how long questions take. I am sorry I cannot tell you a time but it appears to me that we will go beyond five o'clock at this point.

The committee suspended from 1.20 p.m. to

UNCORRECTED PROOF ISSUE

CHAIR - Welcome back everyone and thank you Attorney-General for being here again this afternoon, despite the fact we are running late.

I can confirm for everyone that we have not completed the portfolio for the Minister for Justice and the Attorney-General. We have only dealt with output group 1 and we will deal with output group 2, 3 and 4. We won't deal with them immediately but we will continue with those after we have had the Office of the Director of Public Prosecutions, then we will have the Ombudsman and then we will have the Integrity Commissioner before we go back to output 2. Does that make sense?

1.1 Office of Director of Public Prosecutions -

CHAIR - The Minister for Corrections will follow after output 2 and 3 for Minister for Justice. We will continue afterwards. We asked all those people to come in at 2.00 p.m. and so we will continue with those first. First, we will have the Attorney-General and the office of the Director of Public Prosecutions. So that is output group 1 and it is 1.1 and I will ask Ms Rattray to lead with the questions.

Dr GOODWIN - We have Daryl Coates, the Acting Director of Public Prosecutions, and Kerry Worsley, the Manager of Crown Law.

Ms RATTRAY - There has been a level of interest in staffing issues with the DPP's office. You said in the other place yesterday that you could not make any comment about the continuing payment of the current DPP. I am interested to know, is being able to continue that payment something that happens everywhere else or is this just unique to Tasmania? Under this circumstance, that it is not ideal and it is terrible, but it has happened.

Dr GOODWIN - It is a unique situation we find ourselves in with this particular case and I do not want to go into the specifics of it because it is a matter that is still before the court. The DDP's office falls under its own act - the Director of Public Prosecution's Act 1973 - so we have to work within the constraints of those provisions. That is about all I can add in relation to that.

Ms RATTRAY - How long will this situation remain? Is it as long as there is an action in the court?

Dr GOODWIN - I do not know. It is a matter for the courts. It has to go through the court process. I cannot speculate how long that takes - it is a matter for the court.

Ms RATTRAY - Give some understanding of how many appeals processes can occur before there is no more appeal process. It might give me and the wider public some understanding of how long the state is going to be dealing with this matter.

Dr GOODWIN - Potentially, it could go all the way the High Court, but that is speculation. I do not know what the end result will be, and I cannot speculate on it.

Ms RATTRAY - Can we have some idea of how the office is functioning under the current arrangements, as in staffing? Are we using consultancies? Just a general overview of the agency.

Dr GOODWIN - No consultancies - yes, Kerry, please.

UNCORRECTED PROOF ISSUE

Ms WORSLEY - The situation is that Mr Coates is acting as the Director of Public Prosecutions. His usual role is the Assistant Director of Public Prosecutions Criminal Division. We have not put on any additional staff to support the office at this point nor are we engaging external consultants so we are managing within our resources at this time. That has imposed a significant burden, as you can appreciate, on Mr Coates.

Ms RATTRAY - How long can the employees in the office continue to carry that burden.

Mr COATES - As long as it takes.

Dr GOODWIN - I might at this point note that the act was amended last year to enable an acting DPP to be appointed because previously it was the Solicitor-General who automatically took on that role. There was a potential conflict of interest there so the act was amended and we now have Mr Coates as the acting DPP.

Ms RATTRAY - I am not questioning Mr Coates' work ethic. He is obviously doing more than is normally required.

Dr GOODWIN - Mr Coates has just been involved in that very long criminal trial.

Mr DEAN - Yes, the Standage case.

Ms RATTRAY - You can appreciate that there is some broad interest in how long this is going to continue. Mr Coates said, 'As long as it takes'. If only we knew how long it takes.

CHAIR - How is that affecting the workload of the DPP's office? Not your personal workload, but the normal office workload. There is one person doing the jobs of two people.

Mr COATES - It has increased other people's workloads. There are probably two people each doing part of the job that I would normally do. It is increasing people's workloads, but that is not unusual for Crown counsel. Most weekends you will see someone in the office. No-one's complaining that they have to do this.

[2.30 p.m.]

Mr DEAN - My question coming from that is how long can you keep that up for? You can keep it up for a certain time, but if you are working weekends?

CHAIR - The member for Apsley has already asked that and the response was as long as it takes.

Mr DEAN - Well, the stress and pressures on her. My question is: we amended the act last year to cover this and it needed amendment fairly quickly. Relative to the pay issue, is there a need to go back and have another look at that act to see whether or not it is a contemporary act and whether or not it covers all the areas it ought to? Should we not go back and review that?

Dr GOODWIN - That is a fair comment and something we would do in due course. The same thing applies to the Solicitor-General. There probably is a need to review those provisions at some stage.

UNCORRECTED PROOF ISSUE

Mr DEAN - That was the point I wanted to make. I cannot really understand how this is interfering with a court process when it is to do with salary only, keeping the DPP on. I cannot see where that interferes with a court action currently under way. I would need to be convinced.

Dr GOODWIN - I encourage the member to read the act and come back and rethink that. We need to operate within the constraints of the act; this is a process that is before the court and it needs to reach its final conclusion. I can't predict how long that will take.

CHAIR - We might just ask, apart from this issue, how is the office going?

Mr COATES - Very well. In crime we have had 435 new matters. We dealt with 387, so the pending list went up a little but that was mainly due to the fact that one quarter of the courts was taken up by Standage for five months.

Bail applications continue to rise. There was an increase in summary prosecutions and male Court appeals. Interestingly, our sexual assault referral advices were up by 46 per cent. I haven't done an audit for reasons for that but I suspect that is just an increase in the reporting rate to police.

Our witness assistance officers have dealt with 1 234 witnesses and prepared 166 Victim Impact Statements. We have had 381 new civil matters and 137 new child protection matters.

The unexplained wealth legislation came into existence in March of this year. The Commissioner of Police has agreed to do a pilot scheme. We contributed \$100 000 to that see over this next 12 months. We cannot fund it into the future, but it is just to give the Government an idea of what sort of potential there is, not just for financial benefits to the Government, but also to deter people from bringing criminal assets to Tasmania.

CHAIR - Your workload has increased anyway, regardless of the current circumstances. Your budget has gone down a bit, which I presume is pay pause.

Dr GOODWIN - No, there are additional savings.

CHAIR - Where from?

Mr COATES - Over the last two years we thought it was likely there would be a cut in our budget. We have not filled three legal positions and a law clerk position; that is predominantly where the savings have come. It is \$415 000 in savings.

CHAIR - And you are able to manage an increased workload with fewer people?

Mr COATES - We are at the moment. I can't say into the future - the office does not create its own work. Its work is given to it by outside agencies, predominantly the police, so it will depend to a large extent on that.

CHAIR - But it has increased?

Mr COATES - Yes, it has increased.

CHAIR - Seriously increased over the last 12 months.

UNCORRECTED PROOF ISSUE

Ms RATTRAY - Can we have the staffing numbers?

Mr COATES - We have a total of 53.81 FTEs.

CHAIR - And last year you had?

Mr COATES - The same.

CHAIR - But you said you had three positions that you had not filled.

Mr COATES - Yes, that has been over the last two years.

CHAIR - The last two years. So you haven't dropped any FTEs in the last 12 months?

Mr COATES - No.

Mr DEAN - The plea to guilty area - where is that travelling? Is that getting more in that area with changes in the law?

Mr COATES - It has remained at about 66 per cent.

Mr DEAN - Legislation is coming in before this is dealt with in relation to arson - to change the lower end of arsonists to come into Petty Sessions. I take it that that should relieve some issues from your office. Are there any other emerging issues within your office relative to the law that you think need attention, or that you are considering?

Mr COATES - There are some minor amendments we have suggested that I think are going to be in the new Criminal -

Dr GOODWIN - Is it the Justice Miscellaneous?

Mr COATES - Yes, the Justice Miscellaneous Bill.

Dr GOODWIN - Crimes Miscellaneous

Mr COATES - For example, I know of one that is likely to be in there - to do away with the fact that in rape cases the preliminary procedures have to be dealt with by magistrates. The laws have overtaken that, because most complainants now don't give evidence at preliminary proceedings. In sexual offence cases, you may have a magistrate when only three police officers are required - minor things like that to make the system work more effectively.

Mr VALENTINE - I am interested in the way your budget line item travels. You have reduced \$307 000 - presumably that is part of the efficiencies that have been identified. Then it goes up \$284 000 - that is between 2014-15 and 2015-16. Is that to do with open practice software that has been replaced? How much is that?

Ms WORSLEY - For the practice management system as a whole, the budget for that whole process including the software - will be between \$1.2 and \$1.3 million.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - Where is that reflected in your budgets?

Ms WORSLEY - It is not as yet. That is being paid for out of money that has been saved both within Crown Law and the Office of the DPP over a long time. It has taken us eight years to save that.

CHAIR - You have a little bank account?

Mr VALENTINE - Is that coming out of finance generally?

Ms WORSLEY - There is an element in the Budget of about \$1.3 million, which is in fact the cash reserve that we have built up over a very long time to enable us to afford this system

Mr VALENTINE - So it is in here?

Ms WORSLEY - Yes, it is.

Mr VALENTINE - In the Budget tables I think it is 16.5, cash deposits.

Ms WORSLEY - We have received no funding outside our own reserves for this system.

Mr VALENTINE - So once that is expended, how long do you expect that to take?

Ms WORSLEY - We hope it will go live in November next year.

Mr VALENTINE - I would expect a corresponding drop if that money is - obviously the Estimates at the moment don't seem to show it.

Ms WORSLEY - No we did not. We have advised Treasury that we think that is an area in the budget papers and that that should have actually been declining over that period and they did not indicate it as declined despite our advice that that would be what occurred.

Mr VALENTINE - Okay, so look out for that next year. Will you just explain what that system does, for the uninitiated like me?

Ms WORSLEY - Open Practice is our current practice management system for the whole of Crown Law, including the DPP. It provides a case management system plus all the management information that I require to run the practice effectively. When you think about Crown Law as a practice, it is quite substantial; it is probably largest legal practice in Tasmania. There is a lot of information we need from it. The new system, which is being provided by a company called LexisNexis, will hopefully provide us with a vast amount more management information that will assist, for example, Mr Coates in managing the DPP in that we will have case complexity ratings and the like, and he can then manage case loads in much more effective manner. It will provide financial management systems as well, it will deliver all of our statistics, court lists for our purposes on a daily basis - a whole range of benefits that we hope will make the practice more effective and efficient.

Mr VALENTINE - Is that project being managed internally or externally?

UNCORRECTED PROOF ISSUE

Ms WORSLEY - We are paying for a project manager; we are paying the salary of a Department of Justice IT person to be the project manager for that system and I sit, as does Mr Coates, on the steering committee for the project.

Mr VALENTINE - As I asked before on one other section of the department, do you use the State Government's project management guidelines?

Ms WORSLEY - We do indeed.

Mr VALENTINE - You do, thanks.

CHAIR - I imagine there would be a fair amount of training involved in the new system as well.

Ms WORSLEY - There will be a vast amount of training, all staff within Crown Law will need to be trained in its operation. We have a fairly robust training program mapped out already for that process.

CHAIR - You sound as though you are looking forward to it so enthusiastically.

Ms WORSLEY - If you knew what Open Practice looked like, you would understand my desire for a new one.

CHAIR - Excellent.

Mr COATES - I am not sure whether Kerry indicated, the old system is very old, it is almost unsupported.

Ms WORSLEY - It's from 1997, it is nearly an antique in terms of IT.

CHAIR - Yes, it's actually not that long ago, but in terms of IT it is.

Mr VALENTINE - I've known older ones.

Ms WORSLEY - One of the most difficult problems with it is that it will not run on anything beyond Windows XP. The department's standard operating system is now well beyond that and we are actually out of sync with the whole of the department and most of government, so it just can't go on.

Mr VALENTINE - Thanks for that.

Mr COATES - It doesn't categorise, if you have a long file it takes you ages to find a particular document.

CHAIR - You are still not going to have this in place until the end of next year.

Ms WORSLEY - No.

CHAIR - So next year we'll have to ask you again: 'How is it going?'

Ms WORSLEY - Hopefully I will be reporting on time with the Budget.

CHAIR - Yes, indeed. It is commendable though that you have managed to look forward to this and fund it and put money away for it, rather than saying, 'We need this new system, can we please have an extra \$1.3 million'. Are there further questions? No. Thank you very much, Attorney-General and Mr Coates.

We will go on to the Office of the Ombudsman.

DIVISION 18

(Office of the Ombudsman)

Output group 1

1.1 The Office of the Ombudsman -

Dr GOODWIN - I welcome to the table Mr Richard Connock, who was recently appointed to the position of Ombudsman. Richard had been in a position of Acting Ombudsman.

Mrs ARMITAGE - I will start off with the savings over the next few years of \$576 000, noting the difficulties in the past with funding. Will this have an impact on the office's ability to deal with complaints and manage the workload - particularly complex complaints?

Mr CONNOCK - It has to, we have trouble handling the complex complaints now. We have been having the cuts over the last few years starting with the global financial crisis, and they are continuing. We actually have unfunded positions as in the DPP that are still on our establishment but we don't have the funds and budget to fill them. We have a number of contract positions; up until three years ago we were nearly all permanent while now we are on short-term contracts. As they run out there are a number of those that can't be renewed so we are going to be down. We are down to 15.4 this year from 16.8 last year. We have 21 people at the moment. There is a lot of job sharing and part-time and short-term contracts. That is shrinking and it will continue to shrink. Complaint numbers - when the annual report is published this year it will show a decrease on last year of about nine percent - a fairly slight decrease. We are still coming off a large spike of complaints in 2011-12. We had a number of complaints against the water corporations.

Mrs ARMITAGE - Has that decreased now they have combined in to one?

Mr CONNOCK - Yes, it has. We do not have the same issues with the water corporations as we did when there were three of them. I also think that the public has become used to having water corporations and paying a separate bill.

Mrs ARMITAGE - What would be the main complaint that you have had with water corporations?

Mr CONNOCK - When they first came in it was largely billing complaints because the billing system was not working.

Mrs ARMITAGE - Irregular, was it not?

Mr CONNOCK - Irregular and it was attached to people rather than properties so when properties changed hands the bills were still going to previous owners and that sort of thing. A lot

UNCORRECTED PROOF ISSUE

of people had not paid much attention to their rates notices from local government so they had not seen the water quotient and they were surprised that there was any charge for it.

There was also a problem in that, unlike other costs associated with conveyance like power and so forth, these are not adjusted at settlement. It has to be notified to the water corporation. Solicitors took a bit of getting used to that because at the settlement of a property you always adjust these things so that the vendor pays their share and the purchaser theirs. Here it had to be a separate notice to the corporation and there were problems with that.

Some people in the first couple of years were getting three years' worth of bills in one hit which was a problem. That all managed to be sorted out once the billing system was fixed. Then we moved on to the metering, volumetric charges. Particularly in the south, people who were not used to that and did not see it as necessary, objected to it. They did not like their gardens being dug up or where the meters had been put. There were problems with people in strata developments because the water corporation can only go to the boundary line. Over that it is private property. The infrastructure in that belongs to the strata owners. It was an all in sort of plan where if all the strata title holders wanted a separate meter, they could have them but they would have to pay for the installation. Otherwise there would be one at the point coming in and they would share it.

The easiest way to do that is pro rata but then you would have the single person living next door to someone with a boat and three cars they wash every week and four kids and all that sort of stuff. There were inequities in this billing.

Those have all been largely addressed by the corporations. The problem with the three corporations was that there was a fractured complaint system. Each had a slightly different approach to it. Now that it is centralised, Taswater is dealing with the complaints internally and fair more efficiently. The act provided for the corporations to have an internal complaints system.

The Ombudsman's jurisdiction was going to be reviewing the response to complaints but no-one thought that it was created by a statute for public purpose. We get the whole shebang. All its administrative actions were within our jurisdiction. We are getting a lot better feedback now, and they are handling it much better internally. We are able to send people back to the corporations. Some were very frustrated - 'I cannot talk to them, they will not return my calls', and such. Now we confidently refer them back and they will go.

There was this massive spike that year. We are coming off that but if you look at the numbers it has been a slow increase over time. Not dramatic but it is still continuing to increase. We are losing people and increasing the number of complaints.

Mrs ARMITAGE - After sewer and water, what is the main complaint that you would be dealing with?

Mr CONNOCK - Prison complaints. We established a number of years ago a direct line to the prison on the Arunta system. We are told and we are confident that it is not monitored and the prisoners have a hash and a number and it allows direct contact with us during business hours. Prior to the Integrity Commission we were the only people who could take prison complaints. We could not take complaints about individual officer conduct. That is the sort of thing that the commission is better placed to do. But for general administrative matters we can look at that -

UNCORRECTED PROOF ISSUE

food, dietary requirements and that sort of thing. We get a large number of complaints, although they dropped off as well, and that is a direct result of the change in management practices.

Again, complaints are being dealt with constructively there. A large part of our work across the board is providing explanations to people. Now we are able to say, 'We are happy with the way prison management has dealt with that matter. We are not going to investigate'.

CHAIR - I am very pleased to hear that.

Mr CONNOCK - We are very encouraged by it. We have regular meeting with prison management where we talk about issues and any particular complaints that arise, and we have a good line of communication with the department in that regard as well. We are very happy with how that is progressing.

Mrs ARMITAGE - In the Budget, looking at budget paper 2, volume 2, where it outlines the inquiries finalised and complaints finalised. Is the number for complaints all the complaints you have received, or is complaints received less some that you might reject?

Mr CONNOCK - That would be just the ones that were finalised in that year, so there might have been some carry-over from the previous year. It is very difficult to benchmark an office like ours. Most of the complaints are identical. We look at how quickly we are dealing with them - what our clearance rates are compared to the number we are getting in. That was just to demonstrate that we are clearing quite a lot of our complaints. As I said, there will be an overlap in years - there may be some carried forward from the previous financial year.

Mrs ARMITAGE - When you say complaints and inquiries - are inquiries complaints that have gone on to be inquiries?

Mr CONNOCK - No. We class them in two ways for reporting purposes. Other Ombudsman offices around the country now refer to 'approaches' and things like that, but that is perhaps a little misleading. Some approaches could be 'no, you need to go to the Commonwealth Ombudsman'. We record inquiries, which is people ringing up saying, 'I've got a problem with TasWater'. If we refer them, and they do it themselves, that's an inquiry. It doesn't ever escalate to a complaint. We also have out of jurisdiction inquiries, which we record differently. That is where we are generally referring people to other agencies, mainly Consumer Affairs and the Financial Ombudsman.

Mrs ARMITAGE - I suppose I thought an 'inquiry' was more important than an inquiry on the phone.

Mr CONNOCK - We treat as a complaint anything they want us to take action on. If it comes in on a formal complaint form, even though it may not have substance, the person wants to complain and wants it registered as a complaint, so we do that. If they want us to pick up the cudgel and do something, we open a complaint file.

Mrs ARMITAGE - I hate to ask, since you are so under pressure with the workload in your department.

Mr CONNOCK - We are looking at different ways of doing things.

UNCORRECTED PROOF ISSUE

Mrs ARMITAGE - Is it possible to provide us with the actual figures for how many inquiries and complaints you received for 2012 and 2013?

Mr CONNOCK - These are subject to last minute checking of the annual report. In Ombudsman we had 1 968 inquiries, which includes out of jurisdiction inquiries, and in the Health Complaints jurisdiction we had 398, so a total of 2 766 inquiries. The Energy Ombudsman jurisdiction had some inquiries but they are the responsibility of the energy entities - they have frontline staff dealing with those enquiries.

In terms of complaints, we had 736 formal Ombudsman complaints and 307 Health complaints, making a total of 1 043 complaints. If we look at contacts, it is a total of about 3 500 contacts last year.

Mrs ARMITAGE - Similar to the Anti-Discrimination Commissioner, do you look at some of the complaints and decide not to investigate them and reject them? Are they included in those figures?

Mr CONNOCK - If a person has made a formal complaint on our complaint form and registered it, even though it might be lacking in substance or misguided, we will still treat it as a complaint and respond to the complainant in detail. We do a lot and we have become more active at the front end of the complaint. Rather than opening a file and allocating it and writing all the letters for everyone that comes in, we are making an assessment early on. Even if it is within jurisdiction, is it worth the resources, the mail backwards and forwards.

Mrs ARMITAGE - Or is it vexatious?

Mr CONNOCK - Yes, we have a vexatious out, but we have never used it. People don't like being called 'vexatious' for some reason. We have another out where we can say the investigation is not justifiable. That covers just about every base and it is a lot more palatable to most people. You can explain why it is not justifiable in the context of the Ombudsman's jurisdiction.

Mrs ARMITAGE - My final question. Would local government feature quite highly in the complaints?

Mr CONNOCK - Reasonably high, not massively - I have them here. Health and Human Services and Justice are the largest departments. Justice primarily because of Corrections; we have a steady stream of local government but it is not a huge cohort in the scheme of things, compared to general agencies. The larger agencies are the biggest interface with the public so that is where most of the complaints are generated.

Mrs ARMITAGE - Thank you.

Ms RATTRAY - Education?

Mr CONNOCK - Do we provide it?

CHAIR - Complaints.

Mr CONNOCK - No, very few. School buses are a perennial. Every two or three years we get another one about a bus route.

Ms RATTRAY - It must be after I send them to your office.

Mr CONNOCK - Quite often we can do things for those. We have had success but there are others. As you know, the bus program was reviewed several years ago so there is not a lot of room to move. We get a lot of complainants saying there is a problem with administration and quite often it is a personal conflict with a teacher, a principal or a school policy and that is not something we can interfere with so we have to explain why we cannot do anything about it. Even then, the numbers for education can be low.

Mr VALENTINE - Consumer complaints, in this year of people buying things over the internet and wanting to get satisfaction with companies wherever they might be. Do you get any complaints like that and can you quantify those?

Mr CONNOCK - I do not have the figures with me. We get around the 100 to 150 out of jurisdiction inquiries a month and that includes those sorts of things. If we get quite a lot of complaints about telcos, we refer them to the Telecommunications Ombudsman. We refer a lot to Consumer Affairs and Fair Trading because they are consumer issues and we cannot deal with those. We send a few things off to the ACCC, particularly complaints about airlines. We act as a referral service for those as they are out of our jurisdiction.

Mr VALENTINE - There is not a lot you can do with them.

Mr CONNOCK - There are so many Ombudsman-like organisations these days that you can refer it to someone somewhere. They come to us first because the Ombudsman is one of the oldest offices for dealing with public complaints. If you take it back to its oldest form, it is thousands of years old, so people know about it and we are easy to find. It has always been a large part of our job to refer people to the appropriate place because they come to us in the first instance.

Mr VALENTINE - What about the length of time some of these complaints are on your books?

Mr CONNOCK - We try to turn them around in three months but it is very difficult to benchmark these things because you do not want people to prematurely end a complaint merely to comply with the time line. We have reports that show us, for example, when nothing has happened on the case for 60 days or how long it has taken for contact to be made with the complainant and we try to keep them moving.

We are particularly dependent in the health area on third parties looking for material, so the time frames are out of our control. You are dealing with a very busy department or a busy hospital and waiting for some specialist to write a report and come back; that can take some time. It is very difficult but we do monitor how many we turn around in three months. We keep an eye on anything older than 300 days and we focus on closing those.

Unfortunately, they are unavoidable, particularly in the RTI area because we only have a 0.6 FTE doing Right to Information and 34 reviews last year and mostly they are complex. We have to take them in order.

Mr VALENTINE - How many FTEs do you have in your office?

Mr CONNOCK - We have 15.4 this year and it will be the same next year because the only cut we have this year is the freeze. It will be different next year. We expect that figure to remain the same but it has come down. We have lost a number of people; we have, for example, a full-time Right to Information Senior Review Officer position that has not been filled. We have 0.4 of a Senior Conciliation Officer position that has not been filled, and we had to replace a band 6 Senior Investigation Officer with a band 5 Investigation Officer. As I said before, we have contracts running out in October, so it will be down to 15.4. We could not really do with much less than that.

Mr VALENTINE - That is how you are managing to meet your targets for savings?

Mr CONNOCK - There is a plan for co-location. That is something we have been looking at independent of Treasury for some time because the offices that we are in are not only getting run down, the lease runs down in September. They are not ideal in that they have not been designed very well and we have had discussions with others about moving to more cost effective and better designed premises. We did not want to lose any more staff but now it seems that is going to be made a saving, so we are going to lose the staff and have to deal with this as well.

Mr VALENTINE - You are at 99 Bathurst Street, are you not?

Mr CONNOCK - Yes, we are on the ground floor there and that is at a premium rental because of the ground floor access.

Dr GOODWIN - On that co-location, because that is the major savings that is being required across the forward Estimates for the Ombudsman's office, it might be useful if I ask Mr Overland to explain how we have come up with the figures for the co-location because it applies to the Anti-Discrimination Commission, the Ombudsman's office and the Integrity Commission.

Mr OVERLAND - Essentially the savings will be made by having less space. At the moment the Integrity Commission has 732 square meters, the Anti-Discrimination Commission has 897 square meters and the Ombudsman has 593 square meters. That makes a total of over 2 200 square meters for the three offices. If you work off the standard allowance per staff in the State Service, it is 15 meter squared per staff. There are about 50 staff impacted by this move, so that means on standard State Service calculations, they should fit in to 750 square meters, so that is roughly 1/3 of the current space that is available now. Given the specialist nature of these organisations, we may need to exceed that but it is not unreasonable to think we could fit them into half the space they currently occupy.

Mr VALENTINE - You are basically utilising a common service such as a front desk and things like that.

Mr CONNOCK - We have had some discussions about that and my view is that we are probably only going to be able to share limited facilities because the Integrity Commission and Ombudsmen have fairly strict confidentiality requirements about the sort of information they can let out and exchange so we have to protect that. At this stage it is not clear that we would be able to share a lot of those sorts of things. We would still have to maintain separate data bases, for example.

Mr VALENTINE - I suppose meeting rooms can be used.

Dr GOODWIN - Certainly meeting rooms.

CHAIR - But not kitchens because you talk over the coffee machine.

Mr CONNOCK - That is the other problem. People do talk if they are around the same place. And the other concern we have is complainant privacy.

CHAIR - I was serious.

Mr CONNOCK - This is something that we have talked about and it is something that you can probably manage. It is something that you would have to think carefully about. The other thing is complainants - moving from one to the other if you had a one-stop shop, as it were. You have a lot of cross-pollination.

Mr VALENTINE - Not impossible to think there might be opposing people.

Mr CONNOCK - Forum shopping does happen.

Dr GOODWIN - That could be happening already.

Mr CONNOCK - That is true. I do not question that at all and it might be easier, that is all I am suggesting. It is a work in progress and we are not against the idea of moving so we have to work on that.

Ms RATTRAY - In relation to the RTI, which probably is not referred to very well in the Budget papers. I might ask Treasury to fix that up before next year as they are still calling it freedom of information. How much does it cost to make an application?

Mr CONNOCK - I think it is \$36. There is provision to waive that.

Ms RATTRAY - If someone can prove hardship.

Mr CONNOCK - Impecuniosity or information the person wants to use for something in the public interest. Members of parliament in the course of their parliamentary duties.

Mr DEAN - Except for local government.

Mr CONNOCK - Except for local government.

Ms RATTRAY - Can members of parliament access that information free of charge for a constituent?

Mr CONNOCK - If it is part of the parliamentarian's performance of their function, they can make the application.

Mr DEAN - What about TasWater? Are you receiving -

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Mr CONNOCK - Not nearly the volume. Aurora is separate from this process, because that comes from within the Energy Ombudsman's jurisdiction and that is funded by the NTCS[?]. We get funding from Aurora and from TasNetworks dependent on the amount of complaints we get.

Mr DEAN - Last year in this session, we discussed the likelihood of an independent prisons inspectorate coming into your office and -

Mr CONNOCK - I don't know where that is. They like throwing things at the Ombudsman's office.

Dr GOODWIN - That is because you do such a great job. It is certainly not off the agenda, it is something that I am still very interested in, and the department. The Ombudsman has been doing some work on that, and I expect to give that further consideration very soon.

Mr DEAN - We are told that is where a lot of the components are coming from.

MR CONNOCK - That will be a different thing, though. It would be inspecting the prison facilities against standards, which has happened in other countries and other states, Western Australia in particular.

Dr GOODWIN - It is still on the agenda, still being considered - I am waiting for some further advice on that.

Mr VALENTINE - Does that mean the official visitors no longer will be required?

Dr GOODWIN - No. We will certainly keep the official visitors - they perform a really important function.

Mr CONNOCK - They are extremely valuable for us. That is a completely different function. An inspectorate - the Western Australian one is bigger - we have very limited facilities here. It involves the development of a set of standards for the minimum requirements for a prison. Those standards can be incredibly complex, as they are in the UK, where they go through every stage of the process from being taken down from the dock to being released at the other end. It can be convoluted. I don't know that we need it that complex. It is a set of standards about things like prisoner transport, accommodation standards and time out of cell to regularise the prisoner's life, and then an inspector would inspect the facilities against those standards. Are they compliant? That is different to a complaint and that is different to the official visitors, who try to sort out minor problems for prisoners on the spot.

Dr GOODWIN - It is something that was recommended in the Palmer report, and although the prison is tracking very well now, we would not want to go back to what it was when the Palmer report was done and before that with the problems that festered. The great benefit of an independent prisons inspectorate is having ongoing, independent oversight and the capacity to conduct random audits or visits to make sure things are going as they should. When you have a closed environment like the prison that is important, which is why I am going to continue to pursue this. Obviously, we have to do that in the context of our budgetary position.

CHAIR - So not this year.

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Mr CONNOCK - We are very supportive of it. The added advantage is someone on the spot, because there are occasionally problems. If you have an independent person present while these sorts of things are going on, that can often change the outcome.

CHAIR - Thank you very much, Ombudsman. You seem to be happy enough with the way you are able to run at the moment, except that I -

Mr CONNOCK - We could always do with a few more people

CHAIR - We all hear the fact that you are saying you are having to do -

Mr CONNOCK - We are managing the complaint load at the moment, and that is a combination of changing practices, not having the chain of correspondence backwards and forwards. Using the phone more, dealing directly with things. What we are unable to do is the own motions, and if a complex own motion subject arose, we would have great difficulty responding. The main function of the Ombudsman is to investigate administrative matters, and the first way of doing that is own motion. If we see something that we think needs attention or should be looked at, the Ombudsman has the jurisdiction to do that, but we don't have the wherewithal.

CHAIR - You do not have the capacity at the moment to do that?

Mr CONNOCK - We did a big review of the old Tamar unit a number of years ago. We could not do that now. Everything has to be done off the side of a desk. People have to find time in between the routine complaint work. You cannot handle a complex own motion or investigation like that. You need to maintain a focus and concentrate solely on it and we are just not in a position to do that.

CHAIR - If you find some serious matter that you think ought to be looked at, what do you with it then?

Mr CONNOCK - At this stage we would probably be making a request for additional funding to cover a particular investigation. We would prefer to have the capacity to just do it but our choices are limited. I am happy that we are working well. That pleases me but I think we could do a lot better.

CHAIR - You are concerned about the future.

Mr CONNOCK - Yes.

Mr VALENTINE - Do you have people going back at weekends doing it?

Mr CONNOCK - No, I discourage that. When there is a big investigation, occasionally that is necessary, when you need to get things done quickly. But as a general proposition, I am not keen on people being in empty offices over weekends. We have a minimal amount of work at home, but as I say, I try to discourage that. We are trying to deal with it in time. People work over-hours.

Mr DEAN - Pity we didn't have bosses that thought that way.

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CHAIR - The public, you mean.

Mr DEAN - Yes.

Mr VALENTINE - It happens in a lot of government departments, people going back.

CHAIR - At weekends?

Mr VALENTINE - In my experience.

CHAIR - In terms of working longer hours, over-hours, you might expect that.

Mr CONNOCK - People work over-hours so I am not keen on people coming in on the weekend when there is no-one else there because of safety issues and things like that.

CHAIR - We also ought to be looking at work-life balance for people and it is your responsibility to see that your workforce is healthy in that fashion as well.

Mr CONNOCK - I think they maintain productivity when they are a bit more relaxed, when they are not tense, when they don't feel obliged. People are unproductive if they are scurrying around on a weekend trying to finish things off. They can think about it but -

Ms RATTRAY - I am thinking how the people that employ me might take to that sort of approach, but anyway, we will see - that I am not getting around on weekends.

Dr GOODWIN - Everyone works differently. Some people actually like to go into the office during a quiet time and not have the interaction of the phone and a million emails and what have you. It is horses for courses.

Mr CONNOCK - I should say too, there is a difference between senior officers and managers and the investigation officers.

Mr VALENTINE - Some do it because they don't want the stress on the Monday morning. I think there is a balance there.

Mr CONNOCK - As I say, it is a safety issue too, of having people in empty offices. That concerns us.

CHAIR - Thank you, Ombudsman.

Integrity Commission

Dr GOODWIN - Chair, if I could welcome Diane Merryfull, Chief Executive Officer of the Integrity Commission, and Gayle Johnston, General Counsel for the Integrity Commission.

Mr FINCH - I am just wondering if the Attorney-General had something she might like to say about the Integrity Commission before I start questioning.

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Dr GOODWIN - In terms of the savings required, there is a savings target this year - I am trying to find my brief -

Mr FINCH - What are you looking for - victims of budget cuts?

Dr GOODWIN - No. There is a savings requirement of \$3.1 million over the Budget and forward Estimates; the savings are \$532 000 in 2014-15 and then \$846 000 delivered annually from 2015-16. As part of our election commitments, we pledged, if I can put it in these terms, to cut the commission's funding by \$600 000 a year. On top of that will be factored in the co-location expenses that Mr Overland explained as well.

Mr FINCH - It is around 20 per cent of the budget that has gone, \$700 000.

Ms MERRYFULL - It is actually more like 27 or 28 per cent across the forward Estimates.

Mr FINCH - Twenty-eight per cent - that is fairly dramatic. I am wondering, Attorney-General, whether we can feel that the Integrity Commission can be as effective as it was, even though there are some savings with co location. But a 28 per cent cut has to impact on the effectiveness of the Integrity Commission.

Dr GOODWIN - Our view was that the Integrity Commission could be more efficient and effective and that is why we imposed that level of savings on it. I am sure Ms Merryfull will talk to you about the savings they have been able to achieve themselves, without having this imposed on them. With regard to the future of the Integrity Commission, I note that a review of the act is currently in progress. The joint standing committee on integrity is undertaking that review. It has been a bit stop and start because of the state election, but it back in action now.

Mr FINCH - It was before the election, and it is an ongoing process?

Dr GOODWIN - It started before the election but had to come to a grinding halt because of the election. Now it is back in action again, with different people on the committee. It is fair to say there are some concerns about the way the Integrity Commission is currently operating and that includes issues to do with the act itself. It was a new body, new legislation, and there have been issues with how it works. The review process is happening and the Integrity Commission may not look exactly as it does now, going into the future.

Mr FINCH - Is it under threat?

Dr GOODWIN - I would not describe it as 'under threat'. I cannot pre-empt what might come out of the joint standing committee and I do not want to go too far down that path because that is a matter for the committee. All round there are concerns about how it currently operates, and I am sure Ms Merryfull will talk about that because the Integrity Commission itself has requested some amendments to the act. I do not think anyone is entirely satisfied with how it is currently operating, so this is an opportune time to try to get it right for the future.

Mr FINCH - Would you like Ms Merryfull to make a submission to us and tell us about how the Integrity Commission is functioning at the moment and what the immediate future might look like with these budget cuts?

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Ms MERRYFULL - Budget cuts for the Integrity Commission this year, apart from the wage pause, are \$500 000, because it is a part-year Budget. We know there have been cuts coming for a while so we have been adjusting the way we do our work and not filling vacant positions. There is one senior vacant position. We plan to see how we go with the funding we have this year.

The work we do is really important work and needs to be done. We are committed to doing that work and getting on with the job. In terms of the impact of cuts in the out years, across the forward Estimates, we will know better how much we will be able to do with the money we have as we get closer to the end of the financial year. What concerns me is that the Budget cuts may be used as a reason or rationale to cut back the jurisdiction of the commission. The idea that we have not got enough money therefore we will make you do less, or you cannot investigate as much as you were, and your jurisdiction will be narrowed to accommodate the funding cuts, would concern me because the work we do is really important.

Mr FINCH - Do you have a concern that might occur?

Ms MERRYFULL - Yes, I do have a concern that might occur.

Mr FINCH - Tell me about your numbers you have doing the work - where you have come from to now.

Ms MERRYFULL - At the moment we have 15.8 FTEs. We have more people on part-time since the budget cuts. That is one way we are dealing with it. I offered everyone the opportunity to go part-time and a few people took that up. I have one major position that I have not been able to fill - the manager of the misconduct prevention section. I have two contract people who I will not be able to renew in the next financial year, and I also have to lose a couple of extra staff on top of that in the next financial year to come in on budget.

Mr FINCH - The numbers?

Ms MERRYFULL - Not sure. Possibly between 3 to 5, it depends on the levels. I am happy to do this by natural attrition, so it depends on the level of the person who leaves. If the senior leaves they are worth more to the bottom line than if a junior leaves, so between three and five staff.

Mr FINCH - That you might lose from your starting point of 15.

Ms MERRYFULL - FTEs, yes, so about a third. Could be up to a third, which when you think of a budget cut of 28 per cent that makes sense.

Mr FINCH - Those people who have gone part time, do you have a sense that they are doing their full job in a part time way?

Ms MERRYFULL - Some people have only gone 0.8 of a FTE. That's one day off a fortnight, so that's not too bad. Others have gone three days a week. They do work hard. There is work to be done and it can prove difficult when you have an investigation going on and you have your investigator off for a couple of days. He is pretty flexible, so he will come in for an extra couple of days, but that means an extra couple of days off the other week. There are

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challenges but the work needs to be done and we are committed to getting it done, so we try to operate as efficiently as we can.

Mr FINCH - How disruptive are the plans for co-location? Have you co-located yet?

Ms MERRYFULL - No.

Dr GOODWIN - It's at the concept stage. It's a work in progress. We have indicated as a Government that we'd like to see that occur but there's still quite a bit of work to be done to realise that co-location.

CHAIR - You haven't found a building yet?

Dr GOODWIN - We have some options, including the building that the Integrity Commission is in currently but all of that will be explored.

Mr FINCH - Is that a negative on the work that you are doing at the moment in the Integrity Commission? Is it unsettling?

Ms MERRYFULL - Yes, it is unsettling, it's disruptive. It makes it difficult to plan for the future. If we are being asked to co-locate, if we don't know what we are going to look like, it makes it hard to plan about how much space and room we are going to need.

CHAIR - If you were listening at the last presentation, it looks like they are going to try to fit you in to half the space you have now.

Ms MERRYFULL - We understand. We have a lot of space at the moment, but there is space and there is space. Our space is cheap space whereas other people are in more expensive space. While we have the space it is quite reasonable. It's cheaper than the Ombudsman's space at the moment.

CHAIR - They will move in with you then.

Ms MERRYFULL - It is reasonably priced. It's at the other end of town, but, yes, we have more space than we probably need and there are options that we could explore to deal with that. We could give some floor space back to [inaudible]. That is one option if we're not going to co-locate, if the issue is simply to shrink our floor space.

Mrs ARMITAGE - Could you move to Launceston? I think we have two floors there that have been taken just by two single members.

CHAIR - How expensive is it?

Mrs ARMITAGE - It's already leased by the Government and they are looking to sub-lease so there's a possibility.

Ms MERRYFULL - There are issues there to be explored and to be considered. We had one meeting with the Ombudsman and the Anti-Discrimination Commissioner. There's a long way to go. It is quite reasonably priced accommodation so we would have to try to shrink that quite a lot if we were to stay there to make \$133 000 worth of savings.

Mr FINCH - What do you think are the successes of the Integrity Commission in the time that you have been involved as the Commissioner?

Ms MERRYFULL - Quite a few. One of the main things we have achieved is the level of credibility in the community. One of our functions under the act is to enhance public confidence that misconduct will be investigated and dealt with. And for all of the concerns that some people have raised about publicising our investigations, the reason for that is to give the public reassurance. I don't think anybody would call us toothless tiger anymore. I consider that a significant achievement. People can see there is misconduct to be uncovered. In the past people have perhaps thought that it wasn't there but we have shown that it is.

I should also not forget some of the great work that is not visible, that we do with misconduct prevention and education. We have recently done some outstanding work in that space. For example, we have a local government liaison officer who specialises in getting out to councils. We have really innovative training products now so we've made really good advances on both fronts. There's reassuring the community in terms of bringing misconduct to light and reassuring the community that it will be brought to light, and also that education or prevention function.

Mr FINCH - And whistleblowers, do you think that they have confidence in the operation?

Ms MERRYFULL - We had a lot more complaints last year than we did the year before. They were up 71 per cent last year so that says something about people's confidence in coming forward to us. Quite a few people make anonymous complaints but quite a few also just ask us to keep their identity confidential so that they have confidence that we can do that.

Mr FINCH - If I were to ask about negatives in the operation, what do you think they would be?

Ms MERRYFULL - We have had to do quite a lot of work to bring ourselves up to speed in our investigations and operations side of things. There are a lot of processes and procedures you need to have in place to give the best result and so we have had a lot of work to do in that space, to be honest, in the way we conduct our investigations and gather some of our evidence. We have quite a lot of that in hand. We had a slow start, for example, in our relationship with Tasmania Police, but we have come a long way with that relationship now and it is very productive. We find a lot of areas where we can work commonly in things; for example, we have just done a joint review with them of their internal complaints handling policy. That has been a really good outcome. We have tried to identify where we need to improve and then put improvements in place. We have taken on board all of the comments that have been made about what we can improve - for example, our investigations - and amended our policies to do that.

Mr FINCH - Speaking of coming on board, minister, how is that affected by your cut in boards? Is it just a reduction in numbers?

Dr GOODWIN - I have some concerns about the Integrity Commission board and I have had for some time, going right back to when we debated the legislation. Currently on the board we have the Auditor-General and the Ombudsman; my view was that we should keep our integrity entities separate. The Auditor-General is an integrity entity; so are the Ombudsman and the Integrity Commission. One of the problems with the current board is that if a complaint comes before the Integrity Commission that the Ombudsman has dealt with in the past or in which the

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Auditor-General had some involvement, they have to take themselves off the board for dealing with that complaint.

There is a Chinese wall structure. I am not convinced that we have the most appropriate model for oversight of the Integrity Commission. That needs to be further explored. If the Joint Standing Committee on Integrity gets a complaint, there is limited capacity for it to do anything about that complaint other than refer it back to the entity that was complained about.

Mr FINCH - You are not looking to effect changes to the board at this time?

Dr GOODWIN - Yes, to the board, certainly.

Mr FINCH - Are you making moves on that?

Dr GOODWIN - That is my intention but I am not going to pre-empt what might come out of the Joint Standing Committee process.

Mr FINCH - Are you saying you are going to wait until the end of the review before you make the changes?

Dr GOODWIN - I am saying now that I do not like the current structure of the board.

Mr FINCH - Do they have that as part of their review process to assess? Or should I be directing this question to the Chair?

Dr GOODWIN - As part of the review process they may well look at that. The government will be making a submission to the Joint Standing Committee and that is something that I have concerns about - the actual board structure and this issue of oversight or complaints about the integrity entities, where they go and how they are dealt with.

Mr FINCH - Finally, on the mechanics of the board, you receive a complaint, you investigate, and then you take it to the board to see whether you take it further. Is that how it works?

Ms MERRYFULL - I should say that \$60 000 per annum has been taken out of our budget across the forward Estimates to account for the paid members of the board. That money has already been accounted for in our forward Estimates.

CHAIR - How big is the board?

Ms MERRYFULL - That is what we pay the non-ex officio members.

CHAIR - How big is the board?

Ms MERRYFULL - There is some change, there used to be ex-officio members - the Public Service Commissioner, the Auditor-General and the Ombudsman. We don't have a Public Service Commissioner anymore so there are only two.

CHAIR - But all of them are paid public servants already.

UNCORRECTED PROOF ISSUE

Ms MERRYFULL - There are three community members who are paid \$20 000 a year and that \$60 000 has already been taken out of our budget, and then there is the Chief Commissioner, who is the Chair of the board.

Mr FINCH - Those three community people are no longer paid?

Ms MERRYFULL - They will no longer be paid after 1 July next year.

CHAIR - So you will still have them?

Ms MERRYFULL - No, their terms expire on 15 August next year.

CHAIR - So you won't have any community members on the board?

Ms MERRYFULL - That is a matter for the Government, I guess.

Dr GOODWIN - My intention is not to have the board continue in its current structure; whether it continues at all or not is a matter to be determined but none of this is going to happen until after the joint standing committee and this is in the forward Estimates, not this year.

CHAIR - This must be quite unsettling if you have no idea what is going to happen after 1 July next year.

Ms MERRYFULL - We just get on with the job. Some of this is a matter for the Parliament and the committee to deal with, we just get on with what we are doing.

Mr FINCH - You will keep looking for kind-hearted volunteers to step on the books.

Ms MERRYFULL - No, we have a good professional team and they have their eyes on the prize, which is the public interest so we continue to serve the public interest as best we can, because we know it is an important job and we just keep on doing it.

Mr FINCH - On the mechanics of the board again, if you carry out an investigation, do you need to get board approval to continue further?

Ms MERRYFULL - There are a couple of different steps. If we get a complaint in, we can either send it off to somebody else to deal with - which we do with most of our complaints, we send it back to the agency; we can dismiss it if we don't think there is anything in it, or we put it into assessment, which is like a preliminary investigation to see what is there. We might end it at that stage and send it back to the agency; we do that a lot, we gather a lot of evidence and send it to the agency and say, 'You can deal with this from now on, here is some evidence'. Or we might put it into a full investigation. We only put the most serious ones up for a full investigation. When we do the investigation, the report goes to the board, and then the board makes a decision about what should be the outcome in terms of referring the investigation report onwards.

No, our commission doesn't conduct criminal prosecutions or disciplinary proceedings, most bodies like ours don't. Most bodies like us go out, gather evidence, publish a report and hand the material over to the DPP or the police or the agency in order to undertake any further action.

UNCORRECTED PROOF ISSUE

Mr FINCH - I can see the problem for you is that a lot of your work is done very discreetly.

Ms MERRYFULL - It is, some of it, all the assessments are done very discreetly, even our investigations are done quite privately so you tend to get that issue of 'Please be more open and transparent, we can't see what you are doing'. If we are open and transparent in what we are doing then they would say we are being too open and transparent in putting this information out. For agencies such as ours, whether it is ICAC or the CMC or the Integrity Commission, there are some issues around balancing the public interest and the private interest which we all have to grapple with - it is new for Tasmania.

Ms JOHNSTON - Mr Finch, if I could just add, the board doesn't have oversight of an investigation, it doesn't see the investigation until it has gone up to the board through the CEO. They don't regularly meet and talk about what an investigation does, they don't see it until it is concluded. They can send it back down; one of the options under the act is for the board to send it back down for further investigation, and that has not occurred to date. The board doesn't have any interference with the investigation.

Ms MERRYFULL - That is important, too, because we don't want to be influencing them, we present the evidence to them so that they can see it fresh and say, 'Well, here you are, Board, what do you think should happen with this material?' They can then make that decision. I don't brief them about the investigation as it is ongoing.

CHAIR - You would make recommendations though, I imagine, would you?

Ms MERRYFULL - I do, I put suggestions up to the board about what they might consider doing, but the only recommendations that can be made under the act are the recommendations of the board.

Mr FINCH - How often do you have an opportunity to present to them? Is it done face to face or is it electronic communication?

Ms MERRYFULL - We have to be very careful with electronic communication because there are confidentiality issues there as well. We have a new system now. Previously the board used to come in and read these investigation reports in hard copy but we have a secure web space now where we can load that material and the board can read it before they come in. We all talk about. When the time comes to make the decision everyone is around the table and they have all the documents - all the transcripts. They have everything available to them, not just the report. They are very conscientious about familiarising themselves with it.

Mr FINCH - How often does that occur?

Ms MERRYFULL - Whenever an investigation report goes up to them. That might only be one or two a year. Obviously, the board meets more regularly than that. The board has oversight of the whole commission's operations. They meet once a month or once every second month and go over the finances and other things that are happening. We go over the misconduct prevention work and that kind of thing.

Mr FINCH - Thank you.

CHAIR - Other questions members? No. That is all the questions we have.

Mr VALENTINE - It has all been handled.

CHAIR - All three people we have just spoken to have talked about co-location and the effect on their budgets. Their budgets are going to go down as a result of co-location. That will obviously vary depending on whether they are in cheaper rental premises, or more expensive premises. It is a bit of a balance.

Attorney-General, are you planning to pay for the cost of co-location because new premises, or even current premises, will need to be refurbished to accommodate it. Dare I say it, the cost of refurbishment of offices in the past by the government has at times been very expensive.

Dr GOODWIN - Certainly, setting up the Integrity Commission in its current location involved some expenses. Yes, we acknowledge that there may be some cost involved in re-location but that will be factored into the work we still need to do.

CHAIR - My question is - will they get an allocation to do that or is that going to have to be met out of their budgets as well?

Mr OVERLAND - That tends to be a one-off cost, but if there are recurrent savings then it may take a longer period of time to realise the full savings. It will depend on decisions as to where the co-location occurs, the extent of the refurbishment and fit out that is required, the savings that are made, and the floor space that is saved.

CHAIR - You factored savings into all their forward Estimates. I don't see it is logical to say that maybe their savings will take longer to achieve.

Mr OVERLAND - Most savings measures include a series of assumptions that may be right or may not be right.

CHAIR - Are you saying you have not factored in a one-off extra cost? That is going to have to be borne by the agencies? Attorney-General?

Dr GOODWIN - Mr Overland was in the middle of explaining it so I will let him continue.

Mr OVERLAND - That is not the basis on which the figures were determined. We understand there will be a cost associated with co-location. There will be lease tails as well if leases have to be broken. There will be fit-out costs. We understand all that.

CHAIR - I am not sure you have said it will be an extra allocation, as opposed to it having to be met out of -

Mr OVERLAND - No, it is factored into the assumed savings.

CHAIR - So there is no extra money in the forward Estimates budget?

Mr OVERLAND - It is factored into the assumed savings.

Mr VALENTINE - You have reduced your savings?

Mr OVERLAND - Correct.

Mrs ARMITAGE - The space we have in Henty House is looking better and better.

CHAIR - Having heard from all three entities about the tightness of their budgets and the effect the cuts are already going to have on them, I think that is a bit problematic, but thank you for the answer.

Dr GOODWIN - As I said, it is a work in progress. There are some advantages to be gained from pursuing co-location. It will depend on where they co-locate. Potentially there is some room where the Integrity Commission is currently located. All of this has to be worked through, which is why it is not in this year's Budget, it is in the forward Estimates - these savings.

CHAIR - And next year's budget might look different to this year's. Possibly. Well, it will no doubt, but by how much and where is the question.

Ms MERRYFULL - It is important to remember that the Integrity Commission is a separate agency from the Department of Justice and from the Ombudsman and from the Anti-Discrimination Commissioner, and we are independent in terms of our budget. While we understand the Government's desire for us to co-locate, we are an independent agency and we have to make the decisions about what is in the best interests of our agency. That is why we have been set up as an independent agency.

We understand the Government's interest in the co-location but we have to make our own decisions about what is right for the Commission.

CHAIR - But you will still have to meet the budgets?

Ms MERRYFULL - The money has gone. We have to take that into account, but considering that the money is gone, how we might make those savings is a matter for the Commission.

Mr VALENTINE - Clarify, please. You report to the Auditor-General, do you?

Ms MERRYFULL - Financially we are like everybody else and we are audited by the Auditor-General. We report to Parliament through our annual report. We have the Joint Standing Committee, which plays a very important role in terms of our accountability to them but we are not accountable to the Department.

CHAIR - Thank you very much.

Ms MERRYFULL - Thank you.

Output group 2 Legal services

2.1 Crown Law -

Mr DEAN - What are the staffing levels in this department?

UNCORRECTED PROOF ISSUE

Dr GOODWIN - It is 23.61 FTEs and 25 head count.

Mr DEAN - The increase identified here is that there are not going to be any budget savings within that department. Is that right? You are not expecting to make any savings?

Dr GOODWIN - Yes, apart from the wage pause.

Mr DEAN - The reason for that? Is it deemed that the work load there is such that they cannot?

Dr GOODWIN - I think so, yes.

Mr DEAN - You have 25 staff there and there are other departments suffering decreases. Changes occurred in this section about two years ago under the Crown Law Department with other departments and agencies able to go to the Solicitor-General for advice. What is the situation there? What is the current workload? Has it increased?

Dr GOODWIN - Yes, it has. Crown Law has experienced a significant increase in workload - 78 per cent in the office of the Crown Law solicitor and 21 per cent in the office of the Solicitor-General since 1 July 2012, making it vulnerable to any reduction in funding. Hence we have continued the funding level. It plays a pivotal role in managing legal risk, and it is highly regarded by its client agencies, but like all agencies, Crown Law is examining ways in which it can reduce expenditure and maintain services.

Referrals to the office of the Crown Solicitor increased by 16.4 per cent on the back of a 53.3 per cent increase in the previous financial year. Referrals to the office of the Solicitor-General increased by 10.3 per cent on the back of a 9.8 per cent increase in the previous year. More referrals to these offices are a clear indication that legal risks are being more appropriately managed now than they were under the previous funding model, where Crown Law operated on a fee for service basis.

There were issues with the fee for service basis. It was perceived that there was a reluctance on the part of agencies to seek advice from Crown Law, which could have placed the Government at risk - if agencies were not seeking advice when they should be. This is why the previous Government changed the funding model, which was a totally appropriate thing to do. Agencies are now not afraid of seeking advice from Crown Law in appropriate cases. That is the situation you want to be in - if there is a risk they are concerned about that, they are seeking advice from Crown Law

Mr DEAN - Where is the additional workload coming from? Are there any departments that stand out more than others? What are the prominent issues in these referrals?

Ms WORSLEY - Demand is coming from across the board. We are getting work from a whole range of departments, in all areas. There has been an increase across all departments, but a couple stand out. The Crown Solicitor's Office is getting a large volume of work from the Director of Housing in respect of the divestment of the housing portfolio. We have also had a fairly substantial increase from DPIPW in relation to Crown land services, which is the alienation of Crown land to private entities. You might want to purchase the little strip of land out the front of your house, or make those sorts of adjustments to boundaries. We are seeing a lot of

that sort of work coming through. We have had a very large increase in our conveyancing practice.

In relation to the Solicitor-General's office, the increase has been across all departments and agencies.

Mr DEAN - I take it that the term 'chargeable time' refers to activities undertaken by the Crown law department that you are able to charge against a client. Where does that fit in and who are those clients?

Ms WORSLEY - We have retained the measure in the Budget papers to provide a time series. Up until the end of June 2012, that was actually chargeable work. That was our income stream. That was the percentage of hours of each practitioner that we could charge. Now we have put it as a 'work value'. So while we do not charge for that time, we still do all the time recording, supported in exactly the same ways we would have done in order to issue an invoice. So, we can maintain that performance indicator as a time series.

Mr DEAN - So, it is a chargeable rate but you receive no money for it.

Ms WORSLEY - That's right. We do all of the work to enable us to keep that going. That is a sensible thing, that is how legal practices are managed around Australia.

Mr OVERLAND - It is a measure of performance. It is a standard measure of performance across legal practices, and down to individual practitioners in terms of the number of billable hours they are writing on a daily basis

Ms WORSLEY - If you look at the time series, our target is 60 per cent - last year we got to 70 per cent. Our target remains 60 per cent because that is 4.5 hours of what one would regard as billable time, per practitioner, per day. When you take into account the fact that you are allowed to go to the toilet, have a cup of coffee, discuss things with your colleagues, and undertake legal education and training activity et cetera, 4.5 hours of concentrated work per day is the national standard, effectively, for legal practitioners. Last year we increased to five hours and I sincerely hope we can contain that to four and half hours this year because that's healthier for our staff.

Mr DEAN - Are there any other emerging issues within Crown Law that are being considered or that are of concern - any bigger issues, that you are looking forward to, changes that might be occurring in that office?

Ms WORSLEY - We have just had a new Solicitor-General appointed. Michael O'Farrell was appointed on 1 September and he's settled into his office now, so from that office we may see some initiatives but I wouldn't wish to prompt anything that Mr O'Farrell would like to say. In relation to the Crown Solicitor's office, it's very much business as usual. The amount of work that we have to do is dependent upon the activity of Government. We are government lawyers so we make recommendations from time to time to the Attorney-General about issues that concern us but at the moment there is nothing on our plate from that area.

CHAIR - Did you find there was a lot less work in the first half of the year when there was no government?

UNCORRECTED PROOF ISSUE

Ms WORSLEY - Indeed, no budget and no government. Yes, we have slowed down a little which is pleasing given the very busy year we had last year but we anticipate that it will come back now the budget has been issued.

Mr VALENTINE - Your comment about not having Government sitting and maybe not having as much work but there seems to be a lot of work coming in from the departments. I know with the reduction in number of people who used to work on contracts and the like, and I wouldn't be alluding to anyone in particular, but that work now goes to Crown Law. Are you looking at how you are going to scale up to meet that demand from government departments?

Ms WORSLEY - We are being quite innovative in how we try to tackle that through the development of a suite of legal precedent documents. Our aim is to create those documents, distribute them to departments, have departmental officers complete them to the best of their ability and return them to Crown Law for vetting. We think that is a better use of our time. For the lower value matters, particularly, we will use those template documents as a way of trying to regulate demand for our services and that will leave us freer to concentrate on higher value, high risk transactions where the application of greater legal skill is required.

Mr VALENTINE - They were doing that through GITC (Government Information Technology Conditions) already.

Ms WORSLEY - Yes, the GITC contract is, without doubt, the most complex contract that we have any interrelation with.

Mr VALENTINE - I can vouch for that because I used to do them. Because they are complex, more and more departments, I would expect, are pushing them through to you to sign off on, are they?

Ms WORSLEY - We are seeing a little more work across the board on tenders. GITC is one of those areas.

Mr VALENTINE - Okay. I was wondering whether you were becoming snowed under with all of the referrals from government departments and how that was affecting your productivity into the future and looking at cuts and how that was going to pan out.

Ms WORSLEY - We have become quite skilled at passing back that which we shouldn't do.

Mr VALENTINE - Okay.

Ms WORSLEY - That will be something we will monitor and report to the Attorney-General on in due course.

Mr DEAN - Would you envisage that there will be more work that might be coming through from the Forestry rebuilding bill? Is there anything there that might relate to legal issues coming back into the Crown Law Department?

Dr GOODWIN - I am not sure.

Mr DEAN - I was wondering whether it had been addressed or considered and whether it was felt that might impact.

Ms WORSLEY - We are always in discussion with departments about work that may come our way. The Crown Solicitor and the Assistant Crown Solicitor have done some work in the forestry area and I am sure maintain those relationships with the now Department of State Growth so that we can work through how that work will be done if there is anything to be done.

CHAIR – Attorney-General, if you don't mind I would like to take a coffee break now. It is earlier than I had planned but there is a problem with one of the microphones and *Hansard* is having difficulty hearing you so the IT people want to come in and have an adjustment of things.

Dr GOODWIN - Sure.

The committee suspended from 3.55 p.m. to 4.13 p.m.

2.2 Legislation development and review -

Ms RATTRAY - Minister, in your overview you talked about 50 per cent of the Government's legislation coming from the area of Justice.

Dr GOODWIN - That was a rough estimate on my part of how much I think comes from this area.

Ms RATTRAY - Obviously the Government has a large legislative agenda to implement over the next two or three years.

Dr GOODWIN - Yes. It comes from a few different areas. We had some policy commitments that we made during the election and we are delivering on those. The amendment to the victims of crime representative on the Parole Board is one example of that, as is the Sentencing Act amendments around the police assaults. Then there are amendments to legislation needed to address stakeholder concerns, such as the bill justice miscellaneous amendments that I mentioned - there is a bill coming forward on that - and then there are subsequent policy decisions that government makes, and the right to appeal legislation. It is a constantly moving feast of legislative reform. I will invite Ms Catherine Vickers to the table so that she can also have some input.

CHAIR - Your next question is going to be, how can you do that with this much money?

Ms RATTRAY - That was my question, and with all of that agenda and that requirement, how is this department going to be able to meet your time frames with their staff and what are the staff numbers who deal with it?

Dr GOODWIN - Ms Vickers is the director of Office of Legislation Development and Review and we will get you some information on staffing numbers: 9.2 FTEs and that equates to 11 head count. It is a very busy office and at times the demand placed on it, I acknowledge, has been very full on, particularly in the early days when we had a number of commitments we delivered on within the first 100 days. There is still continuing demand because some legacy projects continue. The requirement for the Justice Miscellaneous amendments is a classic example of that, and then there are new projects from time to time. You cannot always predict

when a need to amend an act will emerge - for example, the Mental Health Tribunal issues I mentioned this morning.

Ms RATTRAY - Do you believe that there is more than 4.5 hours' worth of work coming out of that department in writing legislation? We have heard from the previous contribution that 4.5 hours is about the full-time work of the previous Crown Law department, so is that the same sort of level?

Dr GOODWIN - We do not access that for this particular area but Ms Vickers or Mr Overland might like to make a comment.

Mr OVERLAND - We talked earlier about a restructuring within the department and this is one of the areas that was impacted by the restructure in that we have centralised all our policy and legislation people in to Ms Vickers area. That has created a bigger central pool of resources to deal with policy and legislation issues; that said, they are very busy, they have a very significant workload and we are constantly having to assess our priorities.

We do that with the Attorney-General, looking at her legislative priorities, working out the order in which matters get progressed and the way we do things, but we also have other parts of the department that do not fall within this portfolio - we have planning. For instance, a significant amount of work is being done on planning reform at the moment and we have seconded an officer from DPIPWE to manage that process. She is working on planning reform and legislation exclusively and that is not shown in these figures. We also have WorkSafe, so industrial relations and workplace safety law has to be done. A lot of the policy development work will be done within WorkSafe but when it reaches the legislative stage it will come to this. What you see here is the core of the resource that focuses on it but it is not the total; we try to drag in resources using a project management approach to manage the government's legislative priorities.

Ms RATTRAY - With nationally consistent legislation - we have seen quite a bit of that in the past - are you aware that there is a large amount of that coming through that will also impact on the work commitments of this area?

Dr GOODWIN - I might hand over to Ms Vickers to see if she is aware of any looming national consistency issues

Ms VICKERS - Yes, I am. Those nationally consistent model laws remain with us so we continue to participate in working groups on things like classification, defamation law reform, corporations law. We just manage that. There are always people wanting, as we are, wanting to tinker with different parts of those laws. They are just part of our legislative agenda.

Ms RATTRAY - But you don't see any onerous obligations when we sign up to these COAG meetings and we say that we are happy to be part of it and then it has to come back to the state.

Ms VICKERS - They are policy issues for the Attorney-General but consistency is something that in some areas such as classification - and I am probably not talking out of school here - it is better to have one system across all states and territories to classify television broadcasts, radio or newsprint. If the law does change at a federal level and we have to do consequential amendments, we just factor that in. Counterterrorism is another area that often pops up and you never know, there might be something that the Commonwealth suddenly wants

to do to react to a situation. We then provide that advice in conjunction with the Premier's department and if we have to make law reform we have to adjust our priority list.

Dr GOODWIN - In my overview this morning, I mentioned progressing the development of model law to recognise domestic violence orders across jurisdictions and that Tasmania is a lead jurisdiction in this project. That is one very important project.

Ms RATTRAY - That is number two. We did business names. We asked the Premier earlier in the week, when we talked about legislation, about a marked-up version of bills and we were told that it wasn't possible. Is that something that you would be prepared to look at in this department?

Ms VICKERS - It is probably through the Office of Parliamentary Counsel that the Premier's office manages that.

Ms RATTRAY - But when you are involved in the compiling of legislation, it would be something that you would be interested in, Attorney-General.

Dr GOODWIN - Are you asking if it was possible to have marked-up versions?

Ms RATTRAY - We asked the Premier and they said that it wasn't possible. I thought that there must be a way of doing it and so I am asking you if you would be interested in exploring that, given that you have 50 percent of the legislation or thereabouts.

Dr GOODWIN - I am not sure who it falls under.

Ms VICKERS - With respect, it is through the Office of Parliamentary Counsel that is responsible for the drafting and presentation of bills.

CHAIR - We were told that their system couldn't do it, that they themselves have to write it in.

Ms VICKERS - We can't answer about their system - Mr Valentine probably can.

Mr VALENTINE - I believe it was taken on notice. The Premier said it was a good idea but wasn't sure that it could be achieved.

Ms RATTRAY - I just thought that given there is a huge volume of legislation through this department, it would be something they could also have a look at. Every opportunity is taken through this process.

Mr VALENTINE - It is very useful stuff, but who does the OPC report to?

Dr GOODWIN - They report to the Premier. The Premier is the one to direct those questions to.

Ms RATTRAY - Will you talk to the Premier?

Dr GOODWIN - I can ask him but I reckon I will get the same answer that you did.

UNCORRECTED PROOF ISSUE

Mr DEAN - What legislation are you looking at repealing? We have been told that this Government is about getting rid of red tape and green tape and black and blue tape and all the other tapes.

Dr GOODWIN - That is probably another department. The Department of State Growth will have responsibility for the regulation reduction coordinator, which will be located within the office of the coordinator-general and will be responsible for the audit of red and green tape that we committed to. That is probably a question for that person when that person comes on board and that process starts.

Mr DEAN - What is the family violence bill looking at changing? There are a lot of issues and concerns about it. We were told yesterday that family violence is increasing.

Dr GOODWIN - There are two aspects to this. There is the Safe at Home program - an internal review of the Safe at Home program is in progress and I will get some details on that in a moment. There is also a Family Violence Act Amendment Bill, introducing some tidying up amendments. Some of those amendments have been around for some time, arising out of the first couple of reviews of the act.

I will tell you a little bit about the review of Safe at Home. The objectives of Safe at Home are to improve the safety and security for adult and child victims of family violence in the short and long term and to ensure that offenders are held accountable for family violence as a public crime, and change their offending behaviour, and to reduce the incidence and severity of family violence in the long term and minimise the negative impacts of contact with the criminal justice system on adult and child victims.

The review has commenced and a number of key internal stakeholders have been interviewed. In addition, a range of key external stakeholders have been able to contribute to the review through a survey seeking feedback on Safe at Home's performance. I expect a report on the review in late September this year. Past external evaluations have indicated that the program is achieving, at least in part, its objectives and, in addition to the review, the Safe at Home program is now producing an annual report to better inform the Tasmanian community about the program.

There are two aspects, as I said. There is the amendment bill that will be brought before the Parliament to address those tidying up amendments, and there is this review. Depending on what comes out of the internal review, consideration might be given to an external review.

Mr DEAN - The self-defence issue - is that dealt with? It was raised last year.

Dr GOODWIN - Yes. That was a matter referred to the Tasmanian Law Reform Institute to examine and I understand they are examining it. It is something the Director of Public Prosecutions was concerned about.

Mr DEAN - It was. The other one is the Dog Control Act?

Dr GOODWIN - That is not one of mine.

Mr DEAN - I thought all legislation would be in your purview.

Ms VICKERS - It is a local government matter but the Department of Premier and Cabinet is examining it.

Mr DEAN - I will raise it then.

CHAIR - We have had a lot of that this week. There is not great clarity within the Budget for many of those kinds of line items. We are often asking a department a question and they say, 'No, it is not ours, you should be asking another department'.

Mr OVERLAND - The administrative orders set out the ministerial responsibilities for legislation so that might be of assistance to the committee.

Dr GOODWIN - Given that Justice has responsibility for a lot of acts, you are probably in with a reasonably safe bet that on at least half the occasions you will be right - that we will probably have responsibility for it. In that case we don't have responsibility.

Mr VALENTINE - Do the family violence legislation amendments look at pro-arrest as well?

Dr GOODWIN - Not the amendment bill, no. They are purely tidying up amendments, not policy changes to the Safe at Home program.

Mr VALENTINE - Maybe I should have a discussion with you at some point about some parts of that.

Dr GOODWIN - Yes, sure.

Output group 3

Corrections, enforcement and consumer protection

3.3 Enforcement of monetary penalties -

Mr DEAN - This year sees an increase of about \$200 000, and over the next three years an increase of almost half a million dollars in the forward Estimates. What is happening in that area that would require that amount of increase?

Mr OVERLAND - That is indexation flowing through to MPES but there has been no savings identified for MPES other than the wages pause and that is on the basis that they bring in more money than they cost. To reduce the risk of a net production to the budget because they are very effective at recovering outstanding debt to the state. They are maintaining their money so they can maintain their staffing number and maintain their very high recovery rate which is a net positive for the state Budget.

Mr DEAN - It is fairly significant over the next three years, at half a million dollars.

Mr OVERLAND - They do a very good job and they are very effective at recovering a lot of outstanding debt.

Mr DEAN - How much are they bringing in?

UNCORRECTED PROOF ISSUE

Dr GOODWIN - In the 2013-14 year the collection rate for deferred debt dropped from 109 per cent to 85 per cent, impacted by the referral of \$2.4 million in Pecuniary Penalty Orders. The PPOs are imposed by the courts and were previously collected through the office of the Director of Public Prosecutions and are now collected through MPES. Discounting the effect of these high value PPOs, the collection rate was 95 per cent of all debt referred.

The collection rate was also impacted by the referral of two large compensation orders totalling \$0.7 million. The collection rate of 95 per cent shows continued high performance of the MPES team and the maintenance of an effective fines collection regime. Enforcement sanctions continue to be imposed against those persons who are deliberately avoiding or refusing payment. Effective the 30 June 2014, the outstanding value of monetary penalties equated to \$67.3 million which consists of the following: \$15.5 million infringement notices; court imposed fines \$44.4 million; and enforcement fees \$7.4 million.

The total value owed to the consolidated fund equates to \$48.1 million. The balance is owed to other entities, primarily councils. The number of monetary penalties referred for reinforcement in the 2013-14 financial year is down on the previous year by 9 per cent. In the period 1 July 2013 to 30 June 2014, a total of 81 810 monetary penalties totalling \$17.8 million were referred for enforcement and this is down from 89 857 or \$13.3 million for the same period last year. Of these penalties, 37 445 or \$10.6 million, remain outstanding.

Mr DEAN - Did you refer to the court imposed levies in that?

Dr GOODWIN - There is some more information here. The net value of debt loaded by class in 2013-14 is: infringements \$8 968 060 with a collection rate of 98 percent; court fines \$5 896 190 at 120 per cent; PPOs \$1 975 731 and an 8 per cent collection rate; compensation \$1 814 780 and 10 per cent; enforcement fees \$2.9 million and 96 per cent. That is a total of \$28 802 371 and a collection rate of 87 per cent.

Mr DEAN - What was the 10 per cent collection rate on?

Dr GOODWIN - That was compensation.

Mr DEAN - And there was another low rate too?

Dr GOODWIN - It is 8 percent on the pecuniary penalty audits.

Mr DEAN - How many licence disqualifications and/or registration cancellations have we had through the year with MPES?

Dr GOODWIN - Drivers licence suspension 15 777; 1 078 vehicle registration suspensions. 879 name publications; two orders for the redirection of money owed; and 988 enforcement warrants seizure and sale. Of the sanctions imposed within this period, 34 390 have been revoked due to payment having been made or the establishment of a repayment plan. This has resulted in the collection of over \$5.7 million and repayment plans being established to cover debts totalling \$7.1 million.

Mr DEAN - I am glad a lot of them have not been revoked because we would not have any licensed drivers around.

UNCORRECTED PROOF ISSUE

Mr WILLIAMS - Their suspensions have been revoked. That indicates that imposing the penalties gets people to pay or get on to a payment plan.

Mr DEAN - The amount of property that has been taken possession of in relation to money warrants, are any bailiff issues?

Mr WILLIAMS - Primarily that has been taking the MPES team out; they go to someone's house if they have not paid their fine after a long period and lots of notices. There is an enforcement warrant issued by the director. That means that the car - usually a car - can be seized. The director's orders are that the car is seized but left in situ with a wheel clamp and a sticker on it. Fortunately that has meant that in every case we have not had to sell the asset; the person has come up with either the cash or a repayment plan. As long as they stick to those repayment plans we remove the clamp. Some of these licence suspensions will be the same person more than once because if we lift it and they break the repayment plan we have to go back and talk to them again. We have not sold any cars but it has been highly effective. All those people have paid their fines or engaged in a plan.

Mr DEAN - There is no other property that has been taken possession of?

Mr WILLIAMS - We have not seized anything and sold it at this point.

Dr GOODWIN - But 22 motor vehicles were seized.

Mr VALENTINE - Councils provide these things to follow up. Do you keep the fines or do they keep them? It gets paid back to them - quite a significant amount?

Mr WILLIAMS - The enforcement fees remain with the Consolidated Fund but the money is returned to the council as it is repaid.

Mr VALENTINE - Less a certain portion for your intervention?

Mr WILLIAMS - The fees. Councils generally go through corporate collection agencies before they come to MPES. We get the hardest of the hard from the councils.

Mr VALENTINE - It is not the corporate collection agency that deals with you, it is the council?

Mr WILLIAMS - Yes, once they have not been able to collect.

Mr DEAN - I do not think that you answered the question in relation to the levies imposed by Petty Sessions and Criminal Courts. How much of that is outstanding or how much has been collected by MPES?

Dr GOODWIN - That is the victims of crime compensation levy?

Mr DEAN - The \$50 that it has been in the Criminal Court and \$30 in the other court. It has been raised that you have increased those fees.

Dr GOODWIN - We will have to take that one on notice.

UNCORRECTED PROOF ISSUE

Mr DEAN - I raise that because Mr Barns said you are not even collecting what has already been paid, let alone increasing it. It is going to be impossible, so that is the reason I have asked that question.

Mr WILLIAMS - We should be able to get it for you. It is in the court fines data, but we haven't got it here.

3.4 Consumer services

CHAIR - We will move on to consumer services. An interesting note goes with that and I would like you to speak to it. Obviously it decreases steadily, continues to decrease until 2017-18, when there is a slight rise. Your explanatory note says -

The decrease in Consumer Services in 2014-15 reflects the intention to transfer some functions previously undertaken by this Output to the Building and Occupational Licensing Services Output and to the Australian Government.

Would you give some details on that?

Dr GOODWIN - The Government has had a difficult task in managing the Tasmanian Budget and has had to make some difficult choices. The administration of the Australian Consumer Law, or ACL, is currently done through the Consumer Affairs and Fair Trading, or CAFT, team of the Department of Justice. The Government has decided that ACL services in Tasmania will be streamlined and made more efficient in the 2014-15 year. As a result a budget reduction for this output of \$372 000 for this year has been factored in.

The Government has also decided that we will approach the Commonwealth to take over the administration of the Australian Consumer Law in Tasmania from the 2015-16 year. This will result in a budget reduction starting from the 2015-16 year of \$744 000 per annum. This is a reduction in positions of about 8.6 full time positions. Immediate savings in the 2014-15 year will be delivered through a reduction in management overheads, in the operation of a joint management structure between buildings standards and occupational licensing and CAFT. The joint management approach will result in a shared service delivery model, offering numerous benefits in the delivery of services by addressing issues of capacity, resourcing and efficiency.

CHAIR - There would be a fair amount of own source revenue in that, wouldn't there - in the licensing fees?

[4.45 p.m.]

Dr GOODWIN - Yes, in a separate area. In licensing.

So this again will become a bit confusing, because building standards and occupational licensing comes under the Treasurer, but I have responsibility for consumer services. Some of it is mine. Working with vulnerable children checks is mine, but it comes under occupational licensing, so it is a bit confusing. However, I will just plough on and finish the explanation.

The joint management approach will result in a shared service delivery model offering numerous benefits in the delivery of services by addressing issues of capacity, resourcing and efficiency. Shared working arrangements either within or across CAFT and building standards

and occupational licensing will also increase service resilience, collaboration, enhance training opportunities for professional staff, and release resources for reinvestment in frontline services.

[4.45 p.m.]

As you would be aware, the ACL is a Commonwealth law applying across Australia. If the Commonwealth Government agrees to take over the administration of the ACL, then consumers would approach them about consumer issues. In the event that the Commonwealth does not take over the administration of the ACL in Tasmania, a streamlined and risk-based service will be offered. A risk-based approach to the ACL administration will mean reducing the current level of service and prioritising only those issues of potential harm to groups of consumers, or matters of high consequence for a single consumer. Some of the ways efficiencies will be gained to deliver the ongoing service will include moving the initial point of contact from CAFT to the Service Tasmania Contact Centre. Contact Centre operators can then refer lower-level issues to sources of information as a form of self-help to the consumer and escalate calls relating to high-risk categories to identified subject matter experts. Another is strategic refocus of communications from fact sheets and high-level information on the ACL to self-help guides targeted to the time of the year, for example, lay-by information targeted to mid-year toy sales or returns information targeted to the Christmas period. Savings will come from the relocation and co-location of CAFT with Building Services and Occupational Licensing, resulting in a savings in rent and overheads. Two compliance teams between BSOL and CAFT will come under single management, allowing for efficient allocation of matters, combined and collaborative approaches and reductions in travel.

These are difficult choices that the Government has had to make across a range of portfolios. These reductions are seen as a sensible way to both decrease government costs, increase efficiency and still provide necessary cover for Tasmanians under the ACL. There is still quite a bit to be worked through in relation to those plans.

CHAIR - Excuse me for interrupting while you were reading, but the reason is you have so much there all in one bit, if I wait until the end I will have forgotten half of the things you have said, which may be your intention but I am sure it is not.

I suppose that is one of the things we have been beating on about for the whole week really. There are other choices besides an across-the-board public service wage pause or wage freeze. This is one of those things you have looked at where you might say: this service, while it is desirable to have it here, could possibly be covered by another agency, such as the Australian Government; or we can find another way of doing this which might not be as convenient and as acceptable to the community. Nevertheless, it doesn't take away the service. It redirects it so it is a cost saving to the Tasmanian Government.

I think 8.6 FTEs is quite a big number. What have they mainly dealt with? I am not disagreeing with you necessarily in asking the Australian Government to take it on. What are the main issues that it has dealt with? You are obviously satisfied they could be handled some other way.

Dr GOODWIN - Why don't we invite Mr Mark Cocker up because I know you have been missing him. He is the Director of Consumer Affairs and Fair Trading.

Mr COCKER - The types of matters that Consumer Affairs and Fair Trading deal with are quite varied, they certainly were in 2013-14. We took over 17 500 enquiries/complaints, of which

UNCORRECTED PROOF ISSUE

only 462 required further investigation. Of those 462 matters, 422 were remediated or resolved, either in prosecution, no further action or otherwise. Of those 17 500 enquiries or complaints, about 9 300 related to residential tenancy matters, because within the Office of Consumer Affairs and Fair Trading sit the Rental Deposit Authority and the Office of the Residential Tenancy Commissioner, so we deal with a lot of enquiries from property owners, agents, tenants and so on.

CHAIR - Who will deal with those now, provided this goes?

Mr COCKER - The Rental Deposit Authority will still be in operation. The Residential Tenancy Commissioner will still be in operation.

CHAIR - It will still take enquiries?

Mr COCKER - It will still have the capacity to take enquiries, as will the Government Contact Centre as an initial point of contact.

CHAIR - One would think if they are small complaints, and they don't have this, then they would go to the Ombudsman anyway.

Dr GOODWIN - The Rental Deposits Authority is essentially self-funded.

CHAIR - It is self-funding because it holds the deposit and it keeps the interest. We have discussed this in previous committees.

Mr WILLIAMS - Out of the whole of this Budget, the Rental Deposits Authority increases its staff by one. That is not touched by this. It is only the Australian Consumer Law.

CHAIR - But we are talking about enquiries to that rather than the deposit scheme. We are talking about enquiries about residential tenancy and someone still has to be able to handle those.

Mr WILLIAMS - Their funding still continues untouched.

CHAIR - On the face of it, I can't see that this is a bad move and that's what our point has been all week, wanting to find those kind of things, rather than doing it strategically, looking at restructuring.

Dr GOODWIN - Within the Justice portfolio there is not a great deal of flexibility to find these sort of areas. When you start talking about the courts, about victims of crime compensation and victim support, there aren't a lot of options in terms of refocusing services, but this is one area where potentially there can be some efficiencies and we have the Australian Consumer Law so there is the opportunity to pursue that with the Commonwealth Government.

Ms RATTRAY - What if they turn you down, minister?

Dr GOODWIN - We will have to come up with plan B, and our plan B is to scale down 'service in this space' approach.

Output group 4
Regulatory and other services

4.3 Supervision of poppy and hem crops -

Ms RATTRAY - Attorney-General, walk me through why the Government has decided to fund the supervision of poppy and hemp crops when we went through a process where it was going to be industry-funded. Or did I miss something?

Dr GOODWIN - That will occur in two years, so there is only provision for the next two years.

Ms RATTRAY - What happened last year?

Dr GOODWIN - It didn't occur. The previous government indicated an intention to go down that path of making it a cost recovery model. The industry raised significant concerns about that. In particular they weren't happy with -

Ms RATTRAY - Having to pay.

Dr GOODWIN - Yes, but also with the current regulatory arrangements. The Government has initiated the Ramsay review and that was one of the consultancies mentioned earlier, and out of that review came a number of recommendations. The new Government will be acting on those recommendations and that will require legislative amendments which will appear in due course. This gives us two years to sort out the legislative amendments, to work with the industry on the cost recovery model and look for efficiencies in the operation of the Poppy Advisory and Control Board.

Ms RATTRAY - Did it receive a RAF last year?

Dr GOODWIN - Yes.

Ms RATTRAY - So that's not shown anywhere.

Dr GOODWIN - No, because it was a RAF.

Dr GOODWIN - The department is grateful for the funding from Treasury for the next two years because previously the funding had been taken away and hence the need for the RAF.

Ms RATTRAY - I bet they are.

Ms RATTRAY - I did try to contact a representative of the poppy industry but they haven't returned my calls, so they are not interested in having a conversation, which disappointed me.

Dr GOODWIN - I can report to the committee that I contacted Glenn Williams, President of the Poppy Growers Association, to make him aware of this situation and the two years of funding and then moving towards the cost recovery model and explaining that we have the Ramsay review recommendations to implement and also this gives us time to work with the industry to come up with the model and look for those efficiencies, as I mentioned, with the board.

Ms RATTRAY - Generous previous government.

Dr GOODWIN - It wasn't met with much enthusiasm and there was some more work to be done before that model could be used.

CHAIR - It is the right way to go about it, to get the review done and accept the recommendations of the review.

We now say goodbye to the Attorney-General and the Minister for Justice and her staff.

Minister for Corrections

Output group 3

Corrections, enforcement and consumer protection

3.1 Prison Services -

Dr GOODWIN - I would like to commend the work of the Prison Service in dealing with a number of challenges over the past few years and responding to the Palmer Report which raised a number of concerns about the operation of the prison. The Legislative Council has had concerns about the overtime issue for many years and members continually raised that during the Estimates process, particularly Mr Dean and Mr Finch, which resulted in the specific enquiry initiated by the Legislative Council to look into the overtime issue.

The question has been raised for some time about whether the Prison Service has been appropriately funded. That led to the zero-based funding review which identified that the prison was not appropriately funded and hence we made that provision in this year's Budget and the forward Estimates, although the level of funding does reduce over the forward Estimates in line with expected efficiencies in the delivery of prison services.

I for one did not want to see the prison go back to where it came from at the time of the Palmer Report, so it is important that it is funded at an appropriate level and also that we don't have to come back with a begging bowl each year and request a RAF or a supplementary appropriation because it hasn't been funded to the appropriate level. This zero-based funding review provided the evidence to demonstrate to Treasury that it hadn't been funded to an appropriate level and so that adjustment has been made.

CHAIR - To be fair, minister, that has been the whole point of the Legislative Council's complaints about this. Not so much about the overtime, although that was given as a big part of the reason, but the fact that every year the Prison Service came back and ask for another \$2 million or another \$3 million. We have been saying for some time if that is really what is required, then either they should live within their budget or, if they really require more, then that should be given in the original budget and you have done that this time. We would be pleased about that if you can justify the spending as you have just explained.

So Output Group 3, 3.1 is Prison Services, and I think Mr Dean would love to start off this.

Dr GOODWIN - I neglected to mention that provision has also been made for an increase in operational costs expected as a result of the Stage D work as well. It is all very well to have new facilities but they need to be staffed.

UNCORRECTED PROOF ISSUE

Mr DEAN - My first question is about the increase and the Budget. We are not saying that that money be put into overtime, or a big part of it, or any of it?

Dr GOODWIN - I will ask Mr Williams to speak about the zero-based funding and exactly what came out of that process.

Mr WILLIAMS - As you might remember from the final report of the committee, we were showing a trending down in overtime costs. It was \$5.1 million in 2010-11, \$5 million in 2011-12, \$4.6 million in 2012-13, and the final figures for 2013-14 were \$3.5 million. It has come down from \$5 million and when we did the zero-based funding review question was asked by Mrs Taylor last year which was, 'Why would you ask the Government for more money?'. There were two answers - we hadn't done a full review and we could not do that until we had things under control. The zero base funding review was essentially a process of looking at all the actual expenses of a prison, as they should be in a properly functioning system. Which still has some overtime in it, but much less - less than the \$3.5 million we had last year. We were masking other things that were going on in the prison system as well.

While it was always seen that overtime was the driver of prison budgets being overspent, it has emerged that, after some bad years of workplace injury, the workers' compensation contribution has been increasing, over a number of years, by \$1 million every year. We have been bringing overtime down but the compensation associated with those bad incidents of workplace injury has a three-year rolling tail.

We have brought the workplace incidents down significantly, from 79 per annum at its peak to 41 in the last financial year, but the impact on the budget will not be felt until some time later because the tail end of compensation for those bad injuries is still flowing through. Those cases will last for some years, especially where psychological trauma is involved.

The length of time off work is decreasing quite significantly. Not only have the numbers come down, but the time off work has decreased. That will have a significant impact on our budget in two to three years' time. In putting the zero base budget together we envisaged an operating environment where we still have some workplace injuries but they are back to the lowest levels we have seen in recent times.

We based it on reasonable assumptions. The whole document was based on the assumptions of reasonable overtime, reasonable absence management, and reasonable workers compensation costs. We have to be realistic - some injuries will happen, but hopefully at normal levels.

CHAIR - How long will it take for your workers' compensation insurance premiums to go down, because they will?

Mr WILLIAMS - I think they will rise again next year and then start to tail off. It will be a significant tailing off if our workplace injury rates continue as they are this year and last year.

Mr DEAN - The tailing off of those incidents, is that because of the infrastructure changes within the prison or was it because of better staffing or changed staffing methods?

Mr WILLIAMS - The infrastructure - some of it has only just been finished and only one small part of it is operational in terms of the trade training centre. It is the changed management process that has been led by the TPS management and by Mr Edwards and other senior managers

UNCORRECTED PROOF ISSUE

- driving in new policies and procedures, new absence management, and a new workplace health and safety regime, which we were sadly lacking. Until this year we did not have an HR manager in the prison system - we relied on our central HR, so the reach was too far.

This year we have employed a workplace health and safety officer full time, for the first time in a long time. We had an abhorrent rate of workplace injury. We did not have the best responses to it and some of our practices, in the way we ran the prison, led to some of the issues.

You touched on an important point - the lack of industry, and education, and recreation in the medium and maximum security area meant prisoners were bored, and that led to a build up of frustrations. There are operational costs coming online this year for the recreation and education centre, the trade training centre, drug reduction strategies and a whole range of activities that were missing from the medium and maximum holds - the most difficult part of the prison. They were left largely without interventions to deal with their therapeutic needs, or their recreation, work and education needs.

Dr GOODWIN - These improvements are all indicative of a much healthier prison environment. In the past it was quite an unhealthy prison environment and you see that being reflected in assaults, the lock down of prisoners, the fact that prisoners were bored - all of those things that were identified in the Palmer report that needed to be addressed and have been addressed through the changed management process.

It is a lengthy process to address problems that had been festering for a very long time and the prison was in a pretty bad shape.

Mr DEAN - I think \$5 million in overtime is a very clear indication that things were not right at the prison and that is what came out from the member for Rosevears and myself. We could see clearly that things were not right there and that was an indication.

I want to go to the Integrity Commission report. I think it was handed in in late 2013 or early 2014. I'm not sure about the services and the findings of that commission. What was the outcome of that in the prison? Have there been significant changes made? There was a recommendation made that there would be a report provided within three months from this finding. Was that report completed?

Dr GOODWIN - I will defer to Mr Williams on this one.

Mr WILLIAMS - That was to do with the stores area of the prison and the Integrity Commission conducted quite a lengthy investigation at our request. At the beginning when it was first identified to us we immediately changed how we did things, in that we moved staff because we didn't know what had happened, so we moved staff out and put new staff in.

We picked up recommendations from KPMG about practices. We had practices that were not appropriate for a modern stores canteen environment, stocktake, et cetera. So those things were put in place immediately and a new management structure around the canteen.

Following the report of the Integrity Commission back to us, that led to us looking into a number of individuals involved and, while it would be inappropriate to talk about the individuals, we followed the processes through with each of those people to an end conclusion, about looking at whether there had been misconduct involved with any of those people.

Mr DEAN - The report identified that a number of senior management within the organisation were not familiar with the proper processes and protocols and other things within the jail that one would have thought they would have been familiar with. Are you now satisfied that all your managers within your prison service are familiar with all of the requirements of the prison and how it should be run and supplies, and perishable items, the use of vehicles, presentation of expenses, and so on. Are you satisfied that everybody has a good understanding of what they should have had when they first went into the prisons?

Mr WILLIAMS - This drove a complete cultural change not only in the prison. It made us and the rest of the department look at whether we had the right training and procurement. We ran a procurement training program for all managers who had delegations and we ran it through the entire department, not just through the prisons.

In the prison, specifically, we replaced all the procedures. We introduced a new management structure and for the first time we had a qualified accountant come into the prison. The department always had a qualified accounting team but there wasn't one located in the prison so we inserted a qualified accountant into the prison to take control of those accounting processes and practices.

That person has come back to the main part of the department and we are filling that position permanently now. That has given us great confidence.

It is a pity Mr Edwards wasn't able to be here because he had leave booked to go back to his home in France long before he knew the Budget was going to be later, because he instituted an internal audit process for the prison so that there is a check of each facility and each operational union of the prison on a rotating and formalised regular basis with a formal reporting process back to him, so that we have a systemic response, not just a response to the situation but something that is ongoing. This is the sort of thing that happens: you find something, you fix it and then it slips back. That is why we put in place a systemic response through an internal audit process.

KPMG is our internal audit provider and on their work plan for the next 12 months is an audit of the prison change management process. Having had several years of the change process, we are going get in our external internal auditor to have a look for us, to make sure that we are still on track and we haven't missed things that other people might see.

Mr OVERLAND - If I might, I think you will also find the Auditor-General has that as an item on his audit agenda in the out years to come and audit.

CHAIR - Certainly not within the next year or two.

Mr OVERLAND - Not within the next few so we will do the internal one but the Auditor-General himself will come over to look at the reform process in the next two or three years, which will be a good thing.

Mr DEAN - In that report that was provided by the Integrity Commissioner to you, there were eight recommendations made. Were all of those recommendations carried out, put into place?

Mr WILLIAMS - I think they were.

Dr GOODWIN - I have a brief on that. The department agreed to all of the Integrity Commission's recommendations. The majority of the recommendations have already been implemented and the department is working to implement the remaining recommendations as soon as possible.

Mr DEAN - The report that I mentioned, minister, has that been provided? That is, the board has required the secretary to provide a report -

Dr GOODWIN - Yes.

Mr DEAN - within three months to the Integrity Commission. That was provided, so we would see whether we could get that report from the Integrity Commissioner, I suppose. It would belong to them, I suspect.

Dr GOODWIN - We can provide it.

Mr DEAN - If that report could be provided, I would appreciate that. Thank you.

CHAIR - While we are on the change management process, as you know, this has been a matter of interest to the upper House and particular to that committee for some years, and in Estimates we have constantly asked those sorts of questions. The last time we talked about this, which is probably a year ago, the change management process was making progress and the senior management team had all gone through the change management part. I think Mr Edwards had told us it was progressively moving down. Is it now completed, or not yet? How far down the food chain are we with that?

Dr GOODWIN - There are a number of reports that fed into this process. The department is working to implement a number of major reports which include the Risdon Prison Complex Inquiry 2011, the Palmer Report; the Workplace Standards Tasmania Report on the Review of Risk Management at the Maximum Security Prison; the report into the Risdon Prison Complex Tamar Unit and Behaviour Management Program undertaken by the Office of the Ombudsman; and the Tasmanian Prison Service Education and Training Strategic Plan 2011-2016.

Recommendations from all reports were prioritised and a detailed delivery plan was developed to enable the TPS to focus on key deliverables. The delivery plan contains 333 action items, of which 315 or 95 per cent have already been implemented. The few recommendations, 5 per cent, yet to be finalised are long term goals and in a number of cases require further investment.

A prison reform program has been established to provide oversight of, and guidance to, corrective services on the implementation of the strategic plans and reports. Programs are led by the Director of Corrective Services, the Director of Prisons, and the Director of Community Corrections and enable the department to properly coordinate, prioritise, consult and implement changes in a workable and achievable manner. One of the key principles in progressing these reforms has been to ensure relevant stakeholders are engaged in the implementation of change, including the views and expertise of staff, prisoners and the community.

UNCORRECTED PROOF ISSUE

The TPS is also well advanced with the construction of stage D1 of the Prisons Infrastructure Redevelopment Program - PIRP Stage D1 - addressing key recommendations from the Palmer Report.

[5.15 p.m.]

CHAIR - That is still funded in this year's capital works.

Dr GOODWIN - There is still a little bit of funding left to finish that.

CHAIR - \$8 million.

Dr GOODWIN - It is \$8 million. Having recently seen the works, it almost looked that they were nearly there, but there is still quite a bit of work to be done. They are pretty well advanced. There are also very clear signs that the reform process is having a positive impact, including reduced overtime spending, assault rates, and workers compensation claims, reduced lockdowns for prisoners, no industrial action in recent times, increased cooperation between staff and management, and increased community service by prisoners.

In December 2013, the department staff and unions completed negotiation of a new correctional officers' agreement. The agreement included a new rank structure which has now been implemented to the benefit of staff and the TPS.

Mr WILLIAMS - One of the things that the select committee have been interested in was performance assessment.

CHAIR - I recall that you had none. There was no system of annual performance assessment.

Mr WILLIAMS - I can report that there now is, and apart from a few people who have not had them done, because they either are not there, or it has not been possible to do it with them because they are on shifts. We now have a very significant proportion of everyone - from management right down to the frontline staff. We now have performance agreements within a framework. The framework has competencies attached to each level -

CHAIR - And KPIs

Mr WILLIAMS - KPIs, and I was going to mention that at the last meeting of the select committee we had developed a KPI report which now is produced monthly and I think for the first time this month we met all the KPIs. A lot of the systemic things that we talked about are now regularised.

CHAIR - Excellent, good. I am delighted to hear about the HR management and workplace health and safety

Mr WILLIAMS - The other thing Mr Dean might be pleased to know is that in October the new electronic rostering system will go live.

CHAIR - Give that one a tick too, then. There were two other specific things - you had changed the management of each unit system toward small management teams. That is complete across the prison now?

Mr WILLIAMS - Yes, it is

CHAIR - You also mentioned unions and I was going to ask you how is the relationship now between management and unions. It has not been a recent problem, but certainly it was a long standing area of concern.

Mr WILLIAMS - I think it is stronger, more respectful. We have our disagreements, but there is a very strong culture of the unions sitting down on a regular basis with management, taking each other seriously and trying to work through issues. We have been very lucky that we have been able to work through issues - not that there haven't been tense moments, or difficulties - but to get through them without industrial action is a completely different environment than five years ago when the first thing that you did was take industrial action.

CHAIR - I do not think that is lucky. That is a matter of having proper processes in place and proper negotiation skills on both sides, so that you can work through issues rather than have the other be the first response.

Mr VALENTINE - With regard to the wage freeze - is there any resistance there?

Mr WILLIAMS - I do not think any more than has been publicly aired. There was a demonstration on the lawns, but I do not think the prison officers have done anything beyond that, or the unions.

Dr GOODWIN - They are part of the CPSU and United Voice too. Two unions.

Mr VALENTINE - They don't have their own union.

Mr WILLIAMS - There is a split and there is another small offshoot as well, but the CPSU and United Voice are the two main components. We work very closely with them.

Mr VALENTINE - So there has been no comment from them with regard to the increments proposals as well?

Mr WILLIAMS - You would have to talk to unions about that.

Mr VALENTINE - No, I just wanted an answer.

CHAIR - In terms of the unfinished prison buildings still, this \$8 million in this year's Budget, is that going to complete the prison because we have been saying for years it was an unfinished prison? That is what has led to part of the problem, and the fact that your medium and maximum security prisoners have been confined and therefore it is not only they who have got bored, it has also led, I am sure, to tension with your staff who have had to be there all day sitting watching them do nothing. Does this actually complete and is there sufficient operational funding in forward years so you will be able to use those programs to full effect so that everybody who can be will be occupied after breakfast every day - 9 a.m. to 5 p.m. - doing something rather than being confined to their own units?

Dr GOODWIN - That is a yes and a yes. I can give you an overview of what the scope of works are for Stage D. The project scope of works has been the result of several external reviews,

UNCORRECTED PROOF ISSUE

including the Palmer Report, the Ombudsman Report into the Tamar Unit and behaviour management program. Key stakeholders from within and outside the TPS also had input. The scope comprises a new activities and education centre for both maximum and medium security prisoners, a new trade training centre that will allow flexible opportunities for employment, vocational training, development and purposeful production as appropriate. It is modelled on highly successful trade training centres operated by the Department of Education.

Modifications to the existing medium education building will provide a new secure drug testing facility and an additional multi-purpose interview room. Modifications to the Derwent A and B maximum units, as well as the Huon and Mersey maximum security accommodation units increase existing exercise facilities for inmates and office space for correctional supervisors. A new 10-bed maximum security unit and accommodation unit will be added to the end of the transition unit, which is expected to be completed by the end of September. I saw that a couple of weeks ago - construction is in progress and that looks good. It has recently been named the Apsley Unit in keeping with the theme of Tasmanian rivers for other units within the TPS.

Ms RATTRAY - I am honoured.

Dr GOODWIN - I did ask for it to be named the Pembroke Unit but that is not a river. An upgrade of the gatehouse allows for improved functionality within the existing master control room. The establishment of a new incident management facility to facilitate a range of recommendations identified in the Palmer Report into the RPC. A new vehicle lock will serve as a second or backup access/egress point in the event of an emergency but in the short term will provide access to and from RPC from PIRT D1 construction contractors. A new purpose built tactical response group unit is being constructed to free space in the gatehouse to facilitate the incident management facility. There are major upgrades to electronic security systems. There is quite a bit involved with that.

CHAIR - So Attorney-General, by the end of this financial year, if you were to invite upper House members or even the members of the committee, whoever is there first, to come back and have a look, in a normal daytime we would not see prisoners just sitting in their own units or in their own space doing not much, and we wouldn't see prisoners in medium or low security sitting outside again with not much to do? We would see them all being actively occupied one way or another?

Dr GOODWIN - Not all the money comes until the following year.

CHAIR - So there is no point in us coming until the end of next financial year? When can we have a look at this? I would very much like to do that.

Dr GOODWIN - Construction hasn't been completed yet, although it is getting pretty close. At the end of the financial year.

CHAIR - At the end of the financial year? I would appreciate an invitation. I am not sure about other members. That would be really good because, as you know, there were significant concerns. You probably have more questions, Mr Dean.

Ms RATTRAY - We could have the opening of the Apsley Wing.

CHAIR - We could.

Mr DEAN - There were other issues around the transportation of prisoners from one end to the other end of the state and that was creating concerns previously. Have you made any changes in that area? I think that was one of the costs that was being incurred, overtime, the movement of prisoners. Have you gained control of that now? Is there less of that happening now?

Mr WILLIAMS - There are still significant costs in moving prisoners between Hobart and Launceston where we only have the reception prison which, while it had a \$1 million upgrade this year, is not suitable for keeping people long term. We have to take people back up, and then from Launceston we have to take them to Burnie and Devonport courts.

We did change some of the ways that things work for the shift patterns of people. Instead of having people ending up on overtime when we go to Burnie, we changed the shift pattern so people are available to do that. We changed some of the operations so we minimised the cost of transport but it is still a significant cost to move people around the state because the main jail is in Hobart and we cannot keep people in Launceston more than a few days.

Mr DEAN - Prisoner numbers at the present time?

CHAIR - It is good to record that so many people are warning us that when the suspended sentences stop the jail it will be suddenly overflowing.

Mr DEAN - Is there a plateau?

Dr GOODWIN - The number this morning is 436. The operation capacity is 592, so it is nowhere near capacity and it does fluctuate on a daily basis.

Mr DEAN - Is that considered to be an average number or is that a lower or a higher number of prisoners at one time?

Mr WILLIAMS - The long term average, over seven years, is about 500 but it has been trending down from a high of about 539, 530. It varies up to 20 people at different times of the day with people being discharged in the morning, people coming in after court, or bail days, or things like that, so it can change. It has come down.

Dr GOODWIN - It is a positive thing that the prison population has come down. The other side of that is that the community corrections has gone up because the courts have confidence in community corrections and the programs and community service order supervision that they provide. It is important to acknowledge the drug treatment orders through the magistrates court so perhaps some offenders who ordinarily might have ended up in prison would be on a drug treatment order.

Mr DEAN - How many prisoners would you have on a daily basis working outside of the prison on operations and what are some of those things they are working on, if that is not breaching security issues?

[5.30 p.m.]

Dr GOODWIN - For the last financial year 18 900 section 42 passes; leave permits, meaning prisoner can come out and work in the community. Some of the projects they have been working on - you would be aware of the Dunalley or the Tasman Peninsula bushfires and the fencing work.

UNCORRECTED PROOF ISSUE

They continue to do work with the Risdon Vale Neighbourhood Centre and its coordinator, Ann Harrison, delights in the fact that she can work with the prisoners regularly, helping the local community. They have been doing work at the Scouts property at The Lea, at the Botanical Gardens, and with Coastcare. They are doing quite a lot of work in the community and we are interested in any other opportunities that might present themselves.

CHAIR - Are they all low-security?

Dr GOODWIN - This has been an increase from 560 on Section 42s a number of years ago and it has now increased to that quite significant level. In terms of their level of security, they are very carefully selected.

CHAIR - They must be low-security prisoners.

Mr WILLIAMS - They are all minimum open-rated prisoners so they are the lowest risk, and I must touch wood when I say it but we have had a very low incidence of problems over the years with these people. There are maybe 15 people out every day doing things.

Mr DEAN - It is a great thing for those who can to get out to do some community work. It should be supported.

Dr GOODWIN - Absolutely, it is a great restorative justice aspect of the prison and its work. I guess ultimately most people who are in prison will come back into the community and they are part of the community. There are opportunities for them to engage with members of the community, and there have been some really positive outcomes from the fencing work. I have been down to The Lea when prisoners have been working down there and the Scouts representatives have been very positive about their involvement with prisoners. It has had a beneficial impact for the prisoners themselves to be able to engage with people outside the prison environment.

Some of the other projects they have been working on include Second Bite. The TPS, in conjunction with the Christian Family Centre and Risdon Neighbourhood Centre, grows vegetables for distribution to school breakfast programs, charities and community food programs.

CHAIR - I am not sure that children want vegetables for breakfast, but still.

Dr GOODWIN - The Kingborough Dog Walking Association - earlier this year, prisoners helped establish a dog exercise area and agility equipment for the Kingborough community. Just on the growing of vegetables, next-door to the prison is the Christian Family Centre and the pastor there is Norm Reed. On that property, quite a lot of vegetables are being grown and my Rotary Club donated a rotary hoe to be used for that purpose. There is a very good relationship between the Christian Family Centre and the prison in providing support to prisoners and their families, particularly children and partners. That is a good connection.

Mr DEAN - Are there any income-generating projects operating within the prison now, at least a laundry and things like that?

Dr GOODWIN - Mr Williams might give you a bit of an overview there.

UNCORRECTED PROOF ISSUE

Mr WILLIAMS - We still do all the hospital laundry and there is a vegetable processing facility which does mainly the hospital vegetables. We are hoping to, as part of the trade training centre that we have now commissioned, increase the level of industry and find some sort of, maybe metalwork, industries so that we have more things for more people to do, especially in the maximum and medium area, where it has been limited to the laundry, and that was limited to medium-security inmates. We make some revenue from vegetables and certainly from the laundry.

CHAIR - You are still doing the furniture?

Mr WILLIAMS - We make a small amount from the woodwork shop in Ron Barwick Prison; that is around \$100 000.

Mr VALENTINE - You make \$100 000 out of the woodwork

Mr WILLIAMS - Yes, that's the income.

CHAIR - It is not much in terms of \$47 million but it's a lot if you didn't have \$47 million. \$100 000 is not to be sneezed at.

Mr WILLIAMS - Skills and work are our primary focus - to make sure the industries that we have, even if they make money, have trade qualification or educational outcomes.

CHAIR - It is fantastic.

Mr DEAN - How many prisoners would you have currently in maximum security at Risdon?

Mr WILLIAMS - Risdon Prison complex had 222 and 143 were in part medium; 222 minus 143 - about 80.

Mr DEAN - Eighty in maximum security is a high number, isn't it? High risk prisoners. Is that an unusually high number or -

CHAIR - They would be more longer termers would they?

Mr DEAN - Not necessarily.

CHAIR - Aren't they?

Mr WILLIAMS - Maximum security has, as you say, the people who pose the highest risk but they are not always there long term; some of them are. But we have a fairly small system and we often find we get to capacity or near capacity in maximum security. There are lots of ebbs and flows if people are coming and going from the area. Sometimes they are only there for a few days, sometimes for weeks, sometimes for longer. It is not unusual to have that number in maximum security.

Mr DEAN - We talked about going into lockdown before; I think you mentioned the number of lockdowns in the last 12 months and whether they are decreasing.

Mr WILLIAMS - Significantly decreased -

Mr DEAN - So that is good.

Mr WILLIAMS - which reflects the injury rates and the fact that we have had no serious assaults in the 12 month period for the financial year. We have had assaults classified as serious requiring hospitalisation overnight and no so serious, but still horrible. But we haven't had any serious requiring hospitalisation.

Mr VALENTINE - When you say hospitalisation do you mean the Wilfred Lopes Centre or do you mean the Royal?

Mr WILLIAMS - The Royal.

CHAIR - Prisoners on staff, mostly.

Mr WILLIAMS - Prisoners on staff, serious assaults have been zero.

CHAIR - Mr Valentine, you had another question.

Mr VALENTINE - Yes, I did. It was in relation to the infrastructure development. Quite often in my experience in local government, and I am sure others on this side of the table have experienced this, capital works are done and there is no allocation for depreciation or maintenance in the future. I realise that there has been a heck of a lot of development and I am interested to know whether you are making allowances for depreciation and maintenance.

CHAIR - Now that they have an accountant, I am sure that they do

Mr WILLIAMS - That is a really important point and yes, we do. We currently have a 15-year maintenance contract for the Risdon Prison Complex site, maximum and medium and we are incorporating the increased maintenance costs for the increased assets.

Mr VALENTINE - That is maintenance, but what about depreciation for replacement of the facility, or is that something that you rely on the government to provide in the longer term?

Mr WILLIAMS - Yes. The latter.

Mr VALENTINE - Thank you.

CHAIR - Oh dear. You are planning never to replace the prison.

Mr VALENTINE - No, but you know what I am saying.

CHAIR - I do, I think accrual accounting is absolutely necessary.

Mr VALENTINE - It is important if we are going to have sustainable facilities in the future.

Dr GOODWIN - There is a process within Government - the SIIR process - what does the acronym stands for?

Mr WILLIAMS - Strategic Infrastructure Investment Replacement program.

Mr VALENTINE - Okay, and Treasury looks after that, do they?

Dr GOODWIN - Yes.

Mr VALENTINE - In a way only Treasury can. That is my question on 3.1.

CHAIR - Thank you. I had a couple of questions to finish. One is about the smoking ban.

Dr GOODWIN - I can give you some information on that. The Tasmanian Prison Service is currently working towards being smoke-free by February 2015. As at yesterday's date the Hobart Reception Prison and the Launceston Reception Prison had gone smoke-free and the TPS is working towards implementing a plan for all Tasmanian prison facilities to be smoke-free by February 2015.

The timetable for the remaining facilities is - Mary Hutchison's Women's Prison, 6 October 2014 is the target date; for Ron Barwick Minimum Security Prison, 31 January 2015 is the target date and for Risdon Prison Complex it is 31 January 2015.

The TPS has taken advice from a number of different jurisdictions that have successfully implemented a smoke-free correction system including New Zealand and the Northern Territory, and it is interesting to see a number of other Australian jurisdictions moving down this path as well.

CHAIR - What are you doing when you impose those bans because obviously you have people who are addicted? Somehow you are going to have to deal with the addiction or have a lot of trouble.

Dr GOODWIN - The prison has been tucking away some money from the proceeds of tobacco sales to fund nicotine replacement therapy.

Mr WILLIAMS - Quit programs. We have done a lot of publicity for this to have long lead times. Queensland went smoke-free in May and the experience was the longer your lead time, the less trouble you had.

CHAIR - And the more prepared people were.

Mr WILLIAMS - More prepared. It is the nicotine replacement therapy, the Quit programs and the support of the staff, who were largely behind this 100 per cent.

CHAIR - They are also going to have to go smoke-free.

Mr WILLIAMS - Each facility will be smoke-free. Tobacco will be a contraband item on the prison property.

Mr VALENTINE - It is not replacing cigarettes with e-cigarettes is it?

Mr WILLIAMS - No, there will be no nicotine on the property.

UNCORRECTED PROOF ISSUE

CHAIR - It is going to be an ongoing issue, obviously, because as you get new prisoners in who are addicted to nicotine or staff, for that matter, who are addicted to nicotine, you may have problems.

Mr WILLIAMS - That will be a focus of the entry process, including the screening process when people enter the system.

Dr GOODWIN - The Wilfred Lopes Centre went smoke-free last year.

Mr DEAN - No real problems with that?

Dr GOODWIN - Not as far as I am aware. That comes under a different department but it is interesting to see that they managed to go smoke-free as well.

CHAIR - I don't disagree with it, but it obviously needs a lot of careful management, handling and support for people who are addicted. Nicotine addiction is really difficult to overcome. It is one thing for people who want to give it up, as opposed to people being forced to give it up.

My last question was about the PROP program, which used to be in place. I don't know if there is a similar program or whether you are looking at instituting something like that again - the prisoner release on parole program.

Dr GOODWIN - The post-release options program?

CHAIR - Yes, because you constantly have to address the issue of recidivism and one of the things that particular program addressed was prisoners who came out and had nowhere else to go except back into the situation they came from.

I know it was highly successful and I know you supported it very strongly. What are your plans for doing something similar?

[5.45 p.m.]

Dr GOODWIN - The Chair would be familiar that that program was run by Bethlehem House. It received some funding through

CHAIR - It was originally funded for the first three years federally, as seed funding, in the hope that the state department would pick it up. It was not picked up and there was some short term funding from the prison and Education.

Mr WILLIAMS - We propped it up for a couple of years, but we have not been able to do that.

CHAIR - Bethlehem House did too, out of its own funds. It had to finish in the end because there was not ongoing funding.

Dr GOODWIN - In relation to these issues and the involvement of non-government service providers in supporting the prison, it is time for the Breaking the Cycle strategic plan and the action plan to be reviewed. I will be embarking on that process, internally first, very soon, and then there will be a process involving external stakeholders. That is an important piece of work to

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be doing, to look at exactly what services are being delivered within the prison, and with the assistance of external providers, and looking at what the direction might be for the future.

CHAIR - I am not necessarily asking you to restore that program but it is the principle of prisoners having support both before they are released and then afterwards, which can be done by NGOs. It does not necessarily have to be done by Corrections. I am glad to hear that you are reviewing that.

Mr DEAN - I think the Barry Greenberry issue was totally finished and all payments made to him with nothing outstanding?

Dr GOODWIN - Yes, I am advised.

CHAIR – Thank you for that. We will move onto the next item which is community corrective services

Mr VALENTINE - What is the estimated targeted reduction in dollars that community corrective services has to come up with as a percentage of the total funding?

Dr GOODWIN - Just the wage pause -

Mr VALENTINE - I know that the appropriation is about \$618 000.

Dr GOODWIN - The wage pause figure is between 2014-15 \$44 000; 2015-16 \$75 000; 2016-17 \$74 000; and 2017-18 \$72 000.

Mr VALENTINE - That is what you are hoping to make from that?

Dr GOODWIN - Yes

Mr VALENTINE - So the \$618 000 is up this year. Is that the 27th pay again, or

CHAIR - \$500 000 of it is for U-Turn.

Mr VALENTINE - So it is \$500 000 for U-Turn, and \$118 000 for -

Dr GOODWIN - for indexation and the pay would come in there as well

Mr VALENTINE - Apart from Project U-Turn, which from what I have heard is the most effective program to help young people reduce recidivism, what other programs do you have in this community corrective services? Either in train or proposed, in order to address recidivism, or diversion strategies to move people away from a life of crime before they get there. I am not talking about just young people. You might address in your answer whether there are any initiatives that you are working with other departments on because this is not just Community Corrective Services' problem, it is Police and Education - a number of departments should be across this space. Can you outline what there is?

Dr GOODWIN - As part of Community Corrective Services there are the orders that can be imposed by the court, it could be a community service order or a probation. They also have responsibility for court-mandated diversion within Community Corrections. There are a number

of other programs that are delivered by Community Corrections, including the Family Violence Offender Intervention Program, the Sober Driver Program and the Getting SMART program. I will give you a bit of information about each of those.

The Sober Driver Program was introduced into Community Corrections in July 2008. It is an educational and skill-based group program which targets adult offenders who are convicted of two or more drink-driving offences within the last five years. As of July 2014, 512 offenders have graduated from the Sober Driver Program. The program has high completion rates with 78 per cent of offenders completing it in the last financial year. The program is conducted by two trained facilitators and addresses issues such as the consequences of drink-driving, effects of alcohol and driving, managing driving situations, alternatives to drinking and driving, and relapse prevention and stress management. Eight additional probation officers underwent Sober Driver facilitator training in January 2013. A further five were trained in September 2013. In September 2014, six probation officers will undertake the Sober Driver Train the Trainer course to become accredited Sober Driver trainers.

Transport New South Wales has previously provided permission for Community Corrections in Tasmania to implement the Sober Driver Program without charge. This is no longer the case with Community Corrections being required to purchase the workbooks and facilitator manuals at a cost. It is a New South Wales program originally, and two evaluative studies by Transport for New South Wales have found that offenders who have completed the program were over 40 per cent less likely to reoffend in the two years following the program completion than offenders who received sanctions alone.

Mr VALENTINE - That is a good result.

Dr GOODWIN - The Family Violence Offender Intervention Program has been managed by Community Corrections since July 2007. It is a cognitive behavioural program aimed at high-risk family violence offenders. A new look 12-hour individual and 50-hour group Family Violence Offender Intervention Program was introduced to the Magistrates Court on 14 April 2011. Community Corrections is currently facilitating that program in all three regions of the state. Since January 2012, 73 offenders have successfully completed the program. The author of the program visited Tasmania in May 2013 and March 2014 to provide training and coaching for probation officers facilitating the program. In July a further five probation officers from across the state were trained in that Family Violence Offender Intervention Program facilitation.

The program is conducted by two trained facilitators and assists offenders to reduce their family violence behaviour and attitudes by changing the way they think, their behaviour and the choices they make.

Mr VALENTINE - Not an easy task.

Dr GOODWIN - No. Then there is the Getting SMART Program, which was introduced into Community Corrections in August 2011. The Getting SMART Program is a substance abuse program that teaches offenders tools and techniques to abstain from addictive behaviours. The program is delivered over 12 weeks with one two-hour session per week and the program is primarily targeted at offenders sentenced to the court-mandated diversion program. As at 30 July 2014 there have been 21 completions statewide. Alternative sentencing options or alternatives to prison will be examined as part of the Sentencing and Advisory Council work.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - I appreciate that because I heard you on the radio today talking about that. I did mention there the Education Department and police. To do these things properly there needs to be a holistic approach. They are really good programs and they are very effective by the sound of it. Is there any communication by the Education Department and police, perhaps visiting schools to run programs helping young people to understand the impact they have on others when they decide to commit a crime?

Dr GOODWIN - These are all adult offenders; Youth Justice has responsibility for the juvenile offenders.

Mr VALENTINE - It is not you?

Dr GOODWIN - No, not me.

Mr VALENTINE - It is fragmented because the jurisdictions overlap.

Dr GOODWIN - Mr Williams has indicated that he could give you some insights because he sits on the Youth Justice Task Force.

Mr WILLIAMS - Education and Justice are involved in the Youth Justice Task Force, which is looking at what the future might be, based on early intervention and alternatives to prison - for example, Ashley. While that is a question for them, we have been involved and there is a conversation going on between the adult justice system, the Education Department and the Youth Justice system to make sure there is some sort of connection. Early intervention is better than prison.

Mr VALENTINE - That is right.

CHAIR - It is exactly the issue that came about with Chance on Main, which was a similar thing. It is not the only program - there are similar programs in the north and the north-west. I know Chance on Main because it was in my own area; it was a fantastic program but it ran out of funding because it was not picked up by the state.

I remember having discussion with departments, education, police and Justice who were all saying, 'This is a terrific program', but there was no coordination between those services. Each one said, 'Yes, we should support that but we cannot be the lead agency and the only funding source'. There was no capacity for each of those departments to put a bit into the bucket so that the program could continue. I am sure there is a program in the north that has been mentioned to the upper House.

Dr GOODWIN - It is an historical problem with the way the commonwealth used to fund pilot projects so their funding model was to fund them for three years and expect the state to pick up without considering whether the state had any capacity to pick up programs. Programs would be implemented, come to the end of the funding period and they would have to try to reinvent themselves to get ongoing funding if the state was not able to pick them up.

We did see some of those programs that you mention operate for a time, proving themselves to be effective in many cases and then, 'Where is the funding?'

UNCORRECTED PROOF ISSUE

CHAIR - We had cases where Ashley candidates, or young people who had been in Ashley, came out, went through the program, were diverted afterwards and did not go back, which is what you want those programs to do. I agree with you - funding it for three years and then not having an ongoing path is disastrous because you raise expectations, if nothing else. Part of their rationale was to give three years and see whether it was effective or not; if it was effective, then that program was well and truly looked at by state agencies - then the state should be able see that. You will make long term savings by investing in diversionary programs, as you do with many of the youth justice programs that the Government runs. I don't know what the solution is. If it can be proven that this is a money saver in the long term why wouldn't the whole of government look at picking those things up?

[6.00 p.m.]

Dr GOODWIN - I guess that's the work that the Minister for Human Services, who has responsibility for Youth Justice, is doing and there is some crossover because there would be children of offenders in the adult correction system who potentially are caught up in the juvenile justice system or could be caught up. They are a potentially at risk population but in terms of the continuum of offending, an early intervention in the youth area, that comes under the responsibility of the Minister for Human Services. As a Government we have made some commitments to some programs that are aimed at diverting young people, or early intervention, getting them back into school or work. There is the TOOL program in my electorate, there is the Beacon Foundation, U-Turn - there are a number of them.

CHAIR - U-Turn is a case in point. It ceased to operate for a bit because there was no funding. You have now re-instated that.

Dr GOODWIN - I think it continued funding. It received some bridging funding until the election.

CHAIR - But you have now put in the Budget \$500 000 a year. We know that it costs about a \$1 million a year to operate and I think you are hopeful that other partners will come in and support that. You mentioned the other day the accommodation component of that. Part of the reason why that program was successful is because the participants did live in and had the benefits of the people who.

Dr GOODWIN - It was only the participants from the north and north-west of the state who lived in, so that was an add-on. When the program first started it didn't have that add-on supported accommodation component. It received some funding through the Tasmanian Community Fund to add that on and then the Government picked up that funding. But in terms of what happens in U-Turn in the future, we intend to do a review of the program because it is coming in to Community Corrections now so we need to have a look at how it currently operates and how it might operate into the future in its new home.

CHAIR - Why is it in community corrections when it is a youth justice program - because it deals with young people?

Dr GOODWIN - That's why we need to have a look at the model but it has always been 15 to 20, so it's foot in both camps, if you like.

CHAIR - Okay.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - What I am getting at is, and I appreciate it is under a different portfolio, that police can play such a valuable role in going in to schools and helping kids to understand it. It gives kids an opportunity to see police in a different light. A lot of them at home are getting bad role models. They see the police as the enemy and so what I am suggesting is that you start early and you work it through so they don't see the police as the enemy. The police are there helping them understand the way things work and what is right and wrong. In the education system the teachers are reinforcing that. When they get out of schools they have a better chance of not getting into crime. It's an ideal, I suppose.

Mr DEAN - We still have the COPS in Schools programs, next door officer and -

Mr VALENTINE - Yes, that's still happening

Dr GOODWIN - It is very challenging in some families, with a history of involvement in intergenerational crime, to challenge some of those attitudes towards police officers, which are fairly well entrenched.

Mr VALENTINE - I know.

CHAIR - Also some of our refugee communities have seen, in their home countries, the police in a very different light.

Mr VALENTINE - Yes, that's right but it's just sometimes kids have a different opinion.

CHAIR - They are dead scared, many of them, by the police.

Dr GOODWIN - That's understandable, given their experiences. Just because it is hard, should not mean we should give up trying.

Mr VALENTINE - That is right. I guess my other question is - what services are provided, or do you fund, to look after long-term prisoners exiting the system, to help them start again and save them from falling back onto what may be their less desirable mates for support, which may lead them back to prison. I know Bethlehem House provides a program in that area.

CHAIR - Not any more. It is a place where some of the prison inmates go because they have nowhere else. They are homeless.

Mr VALENTINE - It must be daunting for them to come out after 20 years -

CHAIR - It is not only long termers, it is short termers as well.

Mr VALENTINE - I appreciate that. The long-term ones are more at risk. But maybe not. I would be interested to hear what the Attorney-General has to say about that.

CHAIR - What happens when prisoners exit?

Dr GOODWIN - I will ask Mr Williams to talk about the process leading up to when prisoners come out into the community, and what is in place. Some of them come out on parole, so they are still within the jurisdiction of Community Corrections.

Mr WILLIAMS - One of the biggest things we have tried to do in the last few years is drive community corrections and the prisons together. The terminology in corrections is 'through care'. The idea is if someone comes through the prison system and exits, quite often on parole, there is a series of support services and connections between the prison and the community corrections people.

In the last couple of years we have started to station probation officers in the prison system, so they could make the link. So that as the person is leaving they have an idea of who is going to be their probation officer - who is going to look after them. We are investing part of the recurrent funding for new infrastructure into what we call 're-integration services', that we have had one person doing for many years. That person has to connect the exiting prisoner with Centrelink, supported accommodation, or the state's Housing Connect, family services, financial services, that sort of thing. We now have four cottages outside the wire on the Risdon site, so they while they have cameras and muster stations inside them, they are basically a three-bedroom weatherboard house, and prisoners live in those under their own recognisance.

Mr VALENTINE - Prior to being released?

Mr WILLIAMS - Sometimes prior to being released. That is the aim. We have one person who has been in prison for over 10 years, and who has never lived in a house in his entire life. When he committed a serious crime, he lived in the bush in a tent. When he gets close to that sort of stage, a cottage on the prison property, under his own recognisance, will be appropriate. It is one way to take someone from complete institutionalisation, to having the ability to function in the outside world. He has not seen the modern money. Or an ATM.

A lot of the programs we run in prison start pre-release, like the literacy and numeracy. The whole aim of our programs is getting people a job on the outside. We used to have a lot of secondary education, which involved year 10 and year 11 type learning. Our focus has been to get people through the literacy and numeracy issues, but also into the working area of the construction industry, the pre-apprenticeship programs, the green cards, the white cards - the things that enable them to walk out and say to an employer, 'I have something that saves you time and money. I am an attractive employee'. Our aim is to focus on the ability to get a job, rather than a higher educational attainment.

Mr VALENTINE - It is not just about providing a roof over their head, or even help them get to Centrelink or wherever, but to help them to get through their day. To be with them, as opposed to being a contact for them. Some might not want anyone to be with them and they want to get on with it themselves but if there were a service that could be offered - I was just interested for that reason. It is almost like they are going out there without anyone to chew the fat with, if you can say that, just over general things in life.

Dr GOODWIN - This is the importance again of going back to the section 42 release process because some of the prisoners who have been able to go out and do the work in the community have been able to establish some good relationships. For example, I mentioned the Scouts at The Lea and being able to establish connections there. It is part of learning how to reintegrate back in to society and have some positive role models. The section 42 process is very important.

Mr DEAN - I have a question on the work orders situation. How many would we currently have on work orders in the state as of, say, today or this week or whatever are the latest figures,

and what is the number of projects around the state? There are a lot out there working on community orders and what are we getting back from them?

Dr GOODWIN - For the past four years, Community Corrections has had community service order completion rates well above the national percentage so that is very good. It is also important to note that some offenders undertaking community service have managed to obtain employment following the completion of their CSO because of their good efforts and through positive community engagement.

Some key community service order projects statewide include: graffiti removal, maintenance of nature reserves and cemetery restoration through partnerships with Kingborough, Glenorchy, Hobart, Dorset, Circular Head, Launceston, Devonport and other regional councils; placement at community and neighbourhood houses at West Moonah, Burnie, Ravenswood, East Devonport and Zeehan, the Clarence Plains Youth Centre, West Moonah Community Garden, Buchaan[TBC] House Community Garden, Okines Community House and Central Coast Community House. Community Corrections also works with community-based stakeholders around the state to assist offenders to discharge their community service hours, for example, Second Bite, the Salvation Army and St Vincent de Paul stores, the City Mission, Greening Australia, the Tarooma Environment Network, Mara House and Riding for the Disabled. There are in excess of 350 pensioner sites.

In terms of CSO offender numbers, as at 1 January 2014, there were 1 327. If we go back to 1 January 2010 there were only 632, so there has been a dramatic increase and I think that is a sign of the court's confidence in Community Corrections and the community service order scheme.

Mr DEAN - I just ask the question also - and I know the people who are doing these work orders don't want to be identified, or most of them don't - how do we sell that to the public that all of these good things are being done by those people on these work orders because they get very suspicious about the work order program. The perception amongst a lot of the public is that work orders are seen as a waste of time and a very soft option, et cetera. It seems to me that the programs that they are involved in are very good programs, nearly all of them, and I would have thought it would be great for publicity to be given to some of those things they do.

Dr GOODWIN - The fact that the number of sites where community service orders are being carried out has been increasing over the years is probably helping to get that word out into the community, if you like, but Mr Williams may wish to add some comments to that.

Mr WILLIAMS - We have recognised that the connection with local government has been a very important way of trying to ask the community how they want offenders to give back. We have developed strong relationships with most councils. Publicity around some of these things can also be counterproductive in that there are negative connotations. If we took our community service order people away from those council sites, the family neighbourhood centres, the pensioner sites, you would be inundated with complaints because even if we stop sending someone from whatever region or they are sick, we get complaints straight away. The people involved in this are absolutely positive about the experience. Advertising can be quite negative as well - a lot of people have a prejudice unless they get to know these people and get involved in the program. We are a bit sensitive about -

UNCORRECTED PROOF ISSUE

Mr DEAN - After a project has been done and so this was a project completed by those on work orders.

CHAIR - You would not want to do it while they are there. They want a fair amount of privacy. The Glenorchy Community Fund is doing a book of photos of what is happening around Glenorchy. I was walking around the streets taking photos and I came across two young men cleaning off some graffiti with the person who was looking after them. I spoke to them and said, 'This is fantastic. Can I take your photo? Do you want to be in the book?' While they were happy that I was saying what they were doing was fantastic, they did not want to be in it. I said, 'Do you live here?' They were both Glenorchy lads and I said, 'This would be fantastic because we are trying to show the face of Glenorchy.' They said, 'No, no, please do not put us in the book.' They did not want to be identified as people on work orders and I think that is fair enough.

Mr DEAN - That is good. The numbers currently on working orders, can you give us that?

Dr GOODWIN - Yes, I did mention that, 1 327 at 1 January 2014.

Mr DEAN - Thank you.

Mr VALENTINE - Alcohol interlocks, do we -

Dr GOODWIN - That is not ours; that is the Department of State Growth.

CHAIR - If nowhere else then it is State Growth.

Mr OVERLAND - It is under the old Land Transport part of DIER that has gone into State Growth.

CHAIR - Thank you very much, Minister for Corrections, we will allow you now to leave the table with all your staff.

Dr GOODWIN - I thank the Department of Justice staff for their support today and in the lead-up to Budget Estimates. We will let them go and have a nice evening.

CHAIR - I am going to ask the Minister for the Arts to take the seat, but I thought that as we have not had a break for some time, we might take a short comfort stop.

The committee suspended from 6.18 p.m. to 6.24 p.m.

CHAIR - Minister, would you introduce your colleagues.

Dr GOODWIN - Yes, I have Jacqui Allen, Deputy Secretary, Cultural and Creative Industry Development

CHAIR - Thank you.

Dr GOODWIN - The Liberal Government is a strong supporter of the arts and culture in Tasmania and our budget invests around \$20 million in the cultural and creative industries in

2014-15. It also delivers on our election commitments, including \$450 000 to support our cultural and creative industries in Tasmania, and preserves \$2.8 million in competitive grant funding to organisations and individuals.

The Government believes that our arts, cultural and creative sectors are amongst Tasmania's competitive strengths, contributing to our vibrant community, supporting tourism and economic development, and inspiring our island state.

Through the arts we respect our history and celebrate our culture, all of which contribute to our own identity and our future. We have significant scope to grow our cultural and creative reputation further, to be known for excellence, to create jobs and reinforce what a great place Tasmania is to live and work.

With the creation of the Department of State Growth, the Liberal Government is bringing all of the economic levers under one roof, including the cultural and creative industries. As part of State Growth, Arts Tasmania, the Tasmanian Museum and Art Gallery and Screen Tasmania, sit alongside important and complimentary agencies like Events Tasmania and other entities critical for economic growth such as infrastructure.

CHAIR - Thank you. We will start with TMAG.

Mr VALENTINE - There was a recent article in a newspaper which referenced TMAG about it being under-funded operationally and I am interested to know whether there has been any assessment of that? In tight budgetary constraints these things aren't easy but if you have an organisation like TMAG, which is a very significant contributor to tourism, we need to make sure that it can function correctly. I am interested in the response on that.

Dr GOODWIN - This has been an area of significant concern to me since becoming the Minister for Arts and it is a long-standing concern for the department and also for the trustees of the museum. There has been an overspend of an average of \$1 million for about the past five years and recently we had to request a RAF, or was it in the supplementary appropriation - it is all a bit hazy at this hour - for \$1 million this year and members commented on that during that debate in the Legislative Council.

It has been an ongoing concern and there has been quite a bit of work done on this by the department and by the trustees. The trustees suggested some changes to the opening hours to try to reduce the budget over-run. The changes that will be introduced will include closing on Mondays and closing an hour earlier every other day that the Museum is open. That was based on some research on the various times of the day when the greatest number of people are coming in and those times of the day when it is quieter. Also consideration was given to the fact that MONA closes on Tuesday, so this will mean there is still one art gallery and museum open on Monday and Tuesday, with them closing, respectively, on different days.

CHAIR - You put a sign on the door saying 'MONA is open today'.

Dr GOODWIN - It also provides an opportunity for back-of-house functions to take place when the museum is closed. This is a standard approach - for museums to have a day when they are closed and they can do some back-of-house work.

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There are some budgetary pressures. This issue has not been addressed previously by the Government. In the past other areas of the agency would be asked to contribute if they had any money left over. They would be asked to prop up the TMAG budget. We do not consider that to be a sustainable approach. We need to put TMAG on a sustainable footing and we are working very closely with the Trustees to achieve that.

Mr VALENTINE - Obviously there is a phased development. Phase 1 has been completed, and I think two other phases were slated for attention. I presume they are not going to go ahead in the near future, or are they? That is simply going to add to the operational burden, one would expect. Could you explain where that is going?

Dr GOODWIN - Stage 1 of TMAG was opened on 15 March 2013 and an architectural vision for completing the master plan was announced on 4 February which was costed at \$170 million. We do not have \$170 million for the next stage, so the focus at the moment is on getting TMAG in a sustainable position, as it currently is. That is our focus at the moment. We are not in a position to be making any commitments in relation to future phases of TMAG because the focus really does need to be on it operating on a sustainable basis, given our current budgetary position.

Mr VALENTINE - I note the \$431 000 increase in this year's budget. I presume that is the 27th pay.

CHAIR - No, the 27th pay is in the 2016-17 year I think.

Mr VALENTINE - So, that is the following year. No, it is 2015-16. It is \$431 000 extra in 2015-16. So that is next year's budget. It is going from \$7 898 000 to \$8 329 000.

Dr GOODWIN - \$7 898 000 to \$8 329 000.

Mr VALENTINE - So it is \$431 000, which is a significant amount. I assume it is to do with the 27th pay.

Dr GOODWIN - I am just getting some advice on that.

Mr G. DEAN - I am Glen Dean, Director of Finance, State Growth.

Yes, you are correct - \$173 000 of it is 27th pay in 2015-16. As part of trying to fix the deficits ongoing over the previous years, we did an approved output transfer of over \$200 000 in a prior year that kicks in in that year, because we were trying to balance out -

Mr VALENTINE - So that makes up the \$431 000?

Mr G. DEAN - That is close to it, including indexation coming in with salaries and so on.

Mr VALENTINE - The following years you have only plus four[?] and then back up to 204[000?], so why the variation?

CHAIR - The following year is not 27 weeks.

UNCORRECTED PROOF ISSUE

Mr VALENTINE - No, the following year is not but why 204[000?] in the next year? I am saying it is up and down. It is not a constant.

CHAIR - Indexation I think.

Mr G. DEAN - It is a combination of the salary and non-salary indexation that kicks in each following year. It is about \$192 000 of indexation that comes in into 2016-17, offset by the fact that \$173 000 comes out, which was the 27th pay in terms of a movement. The following year another \$200 000 of indexation kicks in to catch up with say the 2 per cent wage increases once we get past the pay pause.

Mr VALENTINE - They are being spared the budget savings measures or are they having to contribute to that too, minister?

Dr GOODWIN - There is the pay pause.

Mr VALENTINE - There is only the pay pause? No other aspects.

Dr GOODWIN - Also, in State Growth, there is also the budget savings expected from the amalgamation of the two agencies and they have effectively been spread across all of the outputs.

Mr VALENTINE - Those components of the Museum and Art Gallery that some have suggested should maybe live elsewhere, for example the university perhaps could take on those doing the research, the Herbarium which is run by TMAG could possibly live with the university seeing as it is down there anyway - what is your comment on that? Is that something that has been considered or not been considered?

Dr GOODWIN - Certainly, the short-term focus has been trying to identify the immediate savings that could be brought into play and that is why the trustees went down the path of the opening hours. Those things that you are suggesting have come through the media -

Mr VALENTINE - That is right. I am just asking whether they have been considered. I am not suggesting -

Dr GOODWIN - I don't know whether they have been considered in the past.

Mr VALENTINE - They have in the past.

Dr GOODWIN - They are suggestions that have come through the media. I haven't had an opportunity to discuss them or consider them or have any advice on them at this stage. The focus has been on what we can do immediately to address this issue. The trustees have suggested the opening hours and I have supported them in that.

Mr VALENTINE - It has been discussed in the past because I was a trustee with them. I was interested to know whether it was brought back onto the agenda as a result of that media coverage and consideration given. Even if it did, maybe there wouldn't be many savings there anyway. It is just cutting off an arm and putting it somewhere else, not necessarily saving much money.

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Dr GOODWIN - There has been an interesting debate raging through the media, so while some might suggest that as a savings strategy, others are deadset against it. That is a debate that is going on in the media at the moment.

Mr VALENTINE - It cuts away at the integrity of the organisation. Is the West Coast Mining Museum still part of TMAG's purview?

Dr GOODWIN - I am advised not operationally.

Mr VALENTINE - They are self-sufficient, are they?

Ms ALLEN - They receive a funding allocation.

Mr VALENTINE - From TMAG?

Ms ALLEN - No, through Arts Tasmania.

Mr VALENTINE - Through Arts Tasmania?

Ms ALLEN - The collection is with TMAG but operational funding is provided separately.

Mr VALENTINE - Does that incur much cost for TMAG, having that collection within its collection, or is it something that is taken care of by the funding -

Ms ALLEN - I might ask Jennifer Storer, who is the Acting Director.

Dr GOODWIN - I welcome to the table Jennifer Storer, the Acting Director of TMAG.

Ms STORER - No, it doesn't. The collection is a part of the State Museum and Art Gallery but operationally quite separate and so there is no obligation that we meet, other than some advice and everything else that goes with that.

Mr VALENTINE - Are there any other components that you auspice or have under your wing, apart from the West Coast Mining Museum?

Ms STORER - Yes, we do. We have collections at Bothwell, part of the Golf Museum. We have a relationship with Naryyna on behalf of the Crown as a landholder and we have a shared staff member but we do not have collections there.

Mr VALENTINE - Not that long ago you bequeathed some houses to TMAG, didn't you?

Ms STORER - Yes

Mr VALENTINE - Are there any complications in terms of the funding and the maintenance of those facilities that are adding to the burden?

Ms STORER - No, not at all. It came with a generous bequest that funds the entire running of that house museum.

Mrs ARMITAGE - Did we get the FTEs for TMAG?

Dr GOODWIN - No. We can get that information for you. There are currently 79.75 paid FTEs including casuals employed at TMAG. TMAG is also supported by 90 dedicated volunteers. The museum also has 511 Friends of TMAG, 137 Foundation of TMAG members and 70 TMAGgots members.

Mrs ARMITAGE - In 2013-14, the budget was \$8.619 million and then there was a RAF of another \$1 million, basically coming close to the \$10 million. Do you believe that the budget for this year of \$7.898 million is going to be sufficient or is there likely to be another RAF? I know they have cut their hours but they are \$2 million down. Is the pay pause and cut hours likely to pick up \$2 million?

Dr GOODWIN - TMAG is in a very challenging budget position, there is no doubt about that. While we hope that the change in opening hours will achieve some savings, it is fair to say it is probably unrealistic to expect it is going to be able to achieve the full quantum of the savings required and we will need to continue to work with the trustees to identify additional savings.

Mrs ARMITAGE - Possibly give them another RAF?

Dr GOODWIN - That is a matter for the Treasurer. We will do our best to make sure that TMAG is able to meet its budget but it is going to be very challenging.

Mrs ARMITAGE - I know TMAG has a collection worth \$340 million and while there is no line item for the QVMAG with a collection of \$232 million, valued three years ago, which is two-thirds of the TMAG collection, would you agree, minister, that both museums are historically significant to the state?

Dr GOODWIN - The Tasmanian Museum and Art Gallery is exactly that. It is important to make that distinction. The Tasmanian Government provides funding to assist the state's public regional museums and art galleries, including the Queen Victoria Museum and Art Gallery and funding to the QVMAG is tied to a deed between the state Government and Launceston City Council. It is also important to note that the QVMAG is owned and operated by Launceston City Council.

Mrs ARMITAGE - Since it was given to the council by the Government many years ago.

Dr GOODWIN - The deed contains a review provision and the most recent review was 29 July 2014. Launceston City Council wrote to the state Government requesting that the current funding level be reviewed. The mayor and the general manager of Launceston City Council have met with the Treasurer to discuss this matter.

It is recognised that QVMAG is a significant regional museum but it should be understood that it is not the state museum and therefore an appropriate level of funding needs to be agreed. The Treasurer and the mayor have agreed that these conversations will continue in 2014-15 and funding will remain at current levels while negotiations for a future funding agreement take place.

Mrs ARMITAGE - You are aware, minister, that the ratepayers of Launceston are paying twice. They are paying over \$4 million, or \$144 on each rateable property, to keep the QVMAG open and they are also paying in their taxes for TMAG. Do you think it is fair that they pay twice

for the two Tasmanian museums, because the QVMAG, and it was even mentioned by the Premier last year, is of broad significance?

Dr GOODWIN - I did make that distinction between TMAG, being the Tasmanian facility, and QVMAG being a regional facility. I know that the Treasurer has been involved in discussions with the Launceston City Council and those discussions will continue. I cannot add anything further at this point, other than that funding has been provided for this year. The Treasurer will be continuing to have discussions with the Launceston City Council -

Mrs ARMITAGE - Was it \$1.3 million being provided to the QVMAG?

Dr GOODWIN - Yes. The Budget commits a total of \$1.358 million to QVMAG for 2014-15. That comprises base funding at \$1.321 100, plus indexation of \$37 000. In addition to that amount, the Budget also provides a grant for the Launceston Art Foundation, which is associated with QVMAG. The amount allocated for the Launceston Art Foundation is \$12 000.

Mrs ARMITAGE - Perhaps in the future the state Government might look at even perhaps taking the QVMAG back and operating it?

Dr GOODWIN - I think that is highly unlikely.

Mrs ARMITAGE - It has 130 000 visitors per year, and while I appreciate that TMAG gets 300 330 visitors the fact they have MONA brings people into the south, plus the cruise ships -

CHAIR - I do not quite see how MONA gets involved.

Mrs ARMITAGE - MONA brings people into the south of the state, and when they are in the south they go to TMAG. We do not have something similar.

CHAIR - I think TMAG's numbers were quite good before MONA.

Mrs ARMITAGE - I am sure they are better now. I would appreciate if consideration could be given because it would be a great shame if the Launceston City Council could not afford to continue to operate QVMAG and it is a huge responsibility for ratepayers. As I said, over \$144 a year just for QVMAG when they are already paying in their taxes for TMAG.

Dr GOODWIN - The Treasurer will be having ongoing discussions with the Launceston City Council about this issue and the funding model for the future.

6.2 Arts industry development -

Ms RATTRAY - I am interested in the staffing numbers and a list of the grants that were provided under this output group for the last financial year, please.

Ms HOUGH - Arts Tasmania employs 15.4 FTEs. That is 21 people in total, who are located in Hobart and in Launceston. I do not have a list with me of the grants for 2013-14. They are available on the Arts Tasmania website by art-form category, by region and by cultural categories. I can certainly take that on notice and provide that to you through the minister.

UNCORRECTED PROOF ISSUE

Ms RATTRAY - Thank you. There have obviously been some organisations missing out on grants. Has that impacted in some way on any significant events?

Dr GOODWIN - It is a competitive grants process and the Tasmanian Arts Advisory Board is involved in that process through the panels.

Ms RATTRAY - And they are holding their place? They are not on the list of boards to be abolished?

Dr GOODWIN - No, they are not. If I can make the distinction between the Arts Tasmania and the Events Tasmania grants processes, there is some overlap because some of the events that are funded, particularly the festivals, have a strong cultural focus.

Ms RATTRAY - It lists major Tasmanian cultural institutions in the paperwork.

Dr GOODWIN - With some of the events there is a crossover between events and arts.

Ms RATTRAY - How many of those events receive planning funds and money to hold the event, or are they considered as one? It talks about assisting their planning and realisation of projects.

Ms HOUGH - It depends on the program to which organisations are applying. For example, in the performing arts organisations might be funded for their annual program or for a program over a couple of years, which would include creative development and delivery of their program. In the small museums and collections category it can include the time of the roving curators, so it is dealing with conservation and preservation or it can include developing an acquisition/de-acquisition conservation plan. It really depends on the applicant and the program to which they are applying.

Ms RATTRAY - Do any of these funds go to Ten Days on the Island, because they have a lead-in time?

Dr GOODWIN - That has a separate budget allocation.

Ms RATTRAY - I thought because it is in the planning stage they might be involved in that.

Dr GOODWIN - Some specific parts of Ten Days may have received funding in the past.

Ms HOUGH - As the minister said, Ten Days on the Island is an administered item in the budget papers. There are occasions when individual artists and arts organisations might apply to Arts Tasmania for the activity that Ten Days on the Island may wish to program. Often that will include a letter of support from Ten Days on the Island and sometimes some cash or in kind contribution.

Ms RATTRAY - Are they funded by Ten Days on the Island as well?

Ms HOUGH - No, they aren't. There is no double-dipping, which I think is your point. Ms Rattray, the point you are going to is very clear and the Arts Advisory Board is very mindful of that when they are allocating their funding.

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Ms RATTRAY - How many are on the Arts Advisory Board?

Ms HOUGH - Currently there are nine members out of a maximum of 12 allowed under the legislation.

Ms RATTRAY - And the cost of running that board, please, unless they are all volunteers?

Ms HOUGH - It is around \$35 000.

Ms RATTRAY - And they would not meet very regularly then?

Ms HOUGH - They meet six times a year.

Ms RATTRAY - That is very good value for meeting that many times a year for that many people.

Mr VALENTINE - Looking at your budget, you have minus \$72 000 between this current year you are receiving money for but going forward it is \$72 000 less and in the following year it is \$148 000 less. What is the cause of that? Obviously the 27th pay is not being taken into account, is it?

Mr G. DEAN - In 2014-15 an election commitment of the creative industries policy implementation comes into the Budget - that is where we increase the Budget - and that goes and then \$150 000 comes out in the following two financial years.

Mr VALENTINE - I have 2014-15, which is this year's Budget we are dealing with now, and the following one is \$72 000 less.

CHAIR - Why do we not have 2013-14? Is this because it has moved? Are you in State Growth now?

Mr G. DEAN - It is part of the Department of State Growth.

CHAIR - It is only in State Growth.

Ms RATTRAY - Chair, there would still have been an allocation for last year.

CHAIR - We have them in our white pages, Rob. The white pages say \$1.566 million.

Dr GOODWIN - The total consolidated fund appropriation for Arts Tasmania for 2014-15 is \$6.239 million compared to an original budget of \$6.204 million for 2013-14. This increase of \$35 000 in 2014-15 is made up of the 2014-15 election commitments totalling \$300 000, the previous budget year decisions and adjustments totalling \$61 000, indexation of \$25 000, including salary indexation of \$8 000 and non-salary indexation of \$17 000 and the budget savings totalling \$229 000.

Mr VALENTINE - I do not follow this. If it is \$6.204 million, you have an increase of \$35 000 and you are telling me that there's an extra \$300 000 in there. Where is it? I cannot see it?

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Mr G. DEAN - The \$300 000 comes in as part of the election commitment the Government made.

Mr VALENTINE - But it is not in the budget line items.

Mr G. DEAN - It is included in that output total.

Mr VALENTINE - Okay. It is going from \$6.204 million to \$6.239 million and you are adding \$300 000 in that \$6.239 million - is that right?

Mr G. DEAN - Then we are cutting \$61 000 off on previous budget year decisions, so that is removing payroll tax, arts disability funding coming out and transfer between outputs that were made in adjusting our outputs. So that's \$61 000 down and we have the increase in the indexation, as the minister suggested of \$225 000 and then we have budget savings of \$229 000 coming off that line item, which if you net all those off that makes up a \$35 000 net increase between years.

Mr VALENTINE - So, the overall amount of money that you have for grants and the like is how much for this particular year, compared to last year?

Dr GOODWIN - \$2.8 million.

Mr VALENTINE - Last year it was?

Dr GOODWIN - \$2.8 million.

Mr VALENTINE - And this year it is?

Dr GOODWIN - \$2.8 million.

Mr VALENTINE - So it has not changed?

Dr GOODWIN - No. That was an election commitment - to maintain the same level of funding.

Mr VALENTINE - That is okay, I just want to understand. Then it's minus \$148 000 in 2015-16 and plus \$59 000 in the lead up to 2017-18, so what is going on there?

Mr G. DEAN - Again there is a combination of indexation that increases into 2015-16. The 27th pay comes into play again in 2015-16.

Mr VALENTINE - That is 2015-16?

Mr G. DEAN - Yes. An amount of \$150 000, out of the election commitment of \$300 000, comes out in 2015-16 and that is essentially the movement, other than some minor ones. The following year another \$150 000 fully exhausts the election commitment in 2016-17.

Mr VALENTINE - That is when it is going to get harder.

Mr G. DEAN - The 27th pay also comes out in that year.

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Mr VALENTINE - There are some challenges ahead as opposed to challenges this year, is that correct? Or do we have challenges this year?

Dr GOODWIN - We have the pay pause this year.

Mr VALENTINE - Yes, that is right. Are you looking at whether you can boost the grant funding through any other revenue areas in the future?

Dr GOODWIN - If the budget situation improves we might have a look at the grant funding, but at the moment we are working within the current context.

Mr VALENTINE - Within the context of what you have to work with. But do you have a long-term strategy? Is there an opportunity for philanthropists, or anyone like that, who may wish to add to the kitty?

[7.00 p.m.]

Dr GOODWIN - They would be most welcome.

Mr VALENTINE - I am quite serious because philanthropy is quite significant in other places. I wonder whether you are looking at any programs to try to bring people into the fold.

Dr GOODWIN - To be fair, we already have quite a few philanthropists in the arts space; although they may not be public about their philanthropy, it is going on.

Mr VALENTINE - I realise that in the private sector but I am interested to know whether there is any opportunity for partnering.

Dr GOODWIN - That has occurred. The Crowbar crowdfunding incentive program is a quite innovative project. It is an Arts Tasmania pilot initiative which uses government support to leverage public investment in arts projects through a crowdfunding incentive scheme. The initiative is market driven in that it supports projects that have received strong public interest, allows project creators to test the market and harness the power of a digital platform to broaden their support base and develop new audiences. As at August 2014 Crowbar had supported nine projects since its launch in February 2014. Government investment of \$16 150 in these projects has realised \$50 960 worth of public support. That is great - leveraging 24 per cent government support to 76 per cent public support. The pilot of Crowbar will be reviewed and assessed later in 2014 to determine whether to continue the initiative in the light of other Budget priorities. It has certainly been an innovative approach.

Mr VALENTINE - That is good. Is that run by a third party on your behalf?

Dr GOODWIN - It is delivered in partnership with the Australian crowdfunding platform, Pozible, which supports creative projects. It is important to note that Arts Tasmania is the first state arts agency to introduce support for crowdfunding through Crowbar and this again demonstrates Arts Tasmania's leadership in diversifying government investment in the arts. Arts Tasmania has been a leader in this space with the Collect program but also with the Government art buy scheme. It has been very innovative in supporting Tasmanian artists.

CHAIR - And around the state, not just in the main centres.

Mr VALENTINE - It is hard to know how that is going to go in the future as more and more people try to get into that Pozible space. It might not be as lucrative as it is at the moment but it is very encouraging.

6.3 Screen industry development -

Dr GOODWIN - We will bring Karena to the table. She is the director of Screen Tasmania.

Mr FINCH - The figure of \$2.103 million of the current year reflects that funding for *The Kettering Incident* project, the television series, which is very exciting.

CHAIR - Is that a question?

Mr FINCH - I am getting to it. There are 100 jobs over seven months and a direct spend of \$5 million. It seems a pretty good return on an investment of \$700 000. I want to build here on something I have talked about often in the past: that opportunity with Screen Tasmania with films made here like *The Hunter* or *Van Diemen's Land* that project the image of Tasmania. Here we have this great series, *The Kettering Incident*, and I am wondering what the Government intends to do to leverage what will be fantastic exposure for Tasmania. It has been my contention all along and it is obvious to everyone that the picturesque nature and moodiness of Tasmania, the variation in landscape and all you need, four seasons, to reflect and be an opportunity for filming to be done here. Can I have a comment about this? I want to highlight this.

Dr GOODWIN - This is a really exciting project and it is an eight by one-hour high-end television drama series and it is financed by Foxtel, BBC Worldwide, Screen Australia and Screen Tasmania. Filming commenced on 11 August and will continue until 12 December. Screen Tasmania's investment of \$1 million will generate a direct spend of \$5.6 million, as you said, on Tasmanian goods and services and create around 430 jobs in cast and crew roles. Additionally, Screen Tasmania has facilitated 12 professional work placements on the production for emerging Tasmanian practitioners.

One of the great benefits of these sorts of opportunities is the capacity-building that can occur within the state because of the opportunities to work on projects like this.

In terms of leveraging off it, it is important to note that the producer of *The Hunter*, Vincent Sheehan of Porchlight Films, has been teamed up with the Tasmanian writer-producer Ms Victoria Madden on this project through the good work of Karena and Screen Tasmania. This is an example where the previous film, *The Hunter*, has provided another opportunity for Tasmania with this project. There are a number of other exciting projects in the wings as well, and Karena might want to speak about some of those.

Ms SLANINKA - I would also like to point out that it is really important with the screen industry to cultivate the local industry and to support the development of the emerging talent that already exists here in Tasmania. There is a lot of talent here, and Screen Tasmania plays a pivotal role in supporting the emerging talent that is being produced out of Tasmania and Vickie Madden is an example of that. Without that talent there aren't the people to be employed on the big productions that are coming into Tasmania so it is really important we build the industry over time and it is not an overnight thing. It takes a lot of time to put in place.

In terms on leveraging, we certainly have had an increase in interest from the mainland and internationally from producers and production companies who are interested in filming in Tasmania and taking advantage of the locations that we have available here. You are right, we have amazing landscapes in a very compact setting in Tasmania. We are leveraging opportunities already through *The Kettering Incident* and there are a number of productions that are already coming into Tasmania. We facilitate those productions by providing support for location scouting and doing location surveys because we have on-the-ground knowledge and information of Tasmania and our locations and those secret places that somebody else who is not familiar with Tasmania would not know exist. We take people into remote locations in Tasmania, we also facilitate them by giving them information about our local cast, our local crew facilities, equipment and some financial support where we are able to do that. We promote Tasmania as a viable and attractive filming destination for offshore and inbound production coming into Tasmania as well.

As well as attracting inbound and offshore production to Tasmania, our focus also is on building the local industry and local talent here, in the way that the New Zealand Film Commission did in New Zealand; they built up the talent of people like Peter Jackson. Peter Jackson then came home from Hollywood and has created a multibillion-dollar industry for New Zealand, and what I do not want Tasmania to do is go down the path of what many other states have done, and try to compete with just bringing production into Tasmania and not supporting our local talent and our local industry because what happens then is that those production come in for six weeks and there is not a sustainable industry that is built up over time here.

Mr FINCH - It is about having enough work to maintain local talent here in Tasmania to be ready for the next opportunity that comes along.

Dr GOODWIN – Absolutely.

Mr FINCH - The opportunities are coming. With the *Lion* being filmed here.

Dr GOODWIN - *The Light Between the Oceans* which is another exciting project. I might talk about that one. DreamWorks has recently scouted across Australia and have identified Stanley in Tasmania's north-west, as the ideal location in which to film a proportion of their latest feature film production, *The Light Between the Oceans*, starring Michael Fassbender and Rachel Weisz. Ridley Scott production company has also been scouting locations in Tasmania for the prequel to *Prometheus*. *The King's Speech* producer Emile Sherman will be filming the Saroo Brierley story, and *Lion* will be filmed in Tasmania in April 2015, so they are very exciting projects for Tasmania.

Mr FINCH - Particularly with the Indian market for the Saroo Brierley story. I have talked up the fact that I find this a very exciting opportunity for the development of the Arts in Tasmania and those skilled people. I want to ask about Screening Australia removing some of their federal funding that might impact in Tasmania, and I am wondering if I can be apprised of the impact that would have on Wide Angle Tasmania, and if others are affected by that withdrawal of Federal funding.

Dr GOODWIN - I will provide some background on Wide Angle Tasmania. It is a screen resource centre which was formed in 2005. There are similar organisations in each Australian state run as a not-for-profit incorporated association, offering a range of services, including entry level training, low cost equipment hire and support for the emerging sector of the screen industry.

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Wide Angle's operating budget for 2013-14 was \$234 595. It receives funding from Screen Australia and Screen Tasmania under a tripartite triennial funding agreement which runs until December 2015.

Under this arrangement Screen Tasmania and Screen Australia will each provide \$80 000 to Wide Angle in the 2014-15 financial year. Wide Angle receives approximately \$22 300 in rental hire and revenue from training programs. Screen Australia also provides Wide Angle with an additional \$35 000 to administer the short film funding initiative Raw Nerve on their behalf. As a result of budget cuts, Screen Australia has recently advised that they will discontinue funding all resource organisations in 2015. I am due to meet with Wide Angle Tasmania in a couple of weeks and we will be discussing the situation but we do not have the capacity to pick up the shortfall in funding as a result of the Commonwealth Government's decision not to continue

Mr FINCH - Will they be able to continue in some form?

Dr GOODWIN - I have not had that discussion with them yet. I do not know if Karina is able to add anything at this stage, but I haven't met with them yet. I am about to do that in a couple of weeks' time.

Ms SLANINIKA - At the moment what they are trying to do is to pursue alternative, viable business models. They have done some stakeholder consultation - they had about 50 or 60 people at an event the other night to go through what their options might be. Screen Australia has untied their \$80 000 funding for the coming financial year, so they can apply that funding to pursuing alternative business models.

[7.15 p.m.]

Mr FINCH - Is there anything else we need to know about screen industry development? Is there something we might like to hear about?

Dr GOODWIN - I will ask Karena if there is anything she would like to bring to your attention. It is a really exciting area. It is a terrific board. Karena and her staff do an excellent job. It is a very exciting area for Tasmania - there is a lot happening and a lot of promise for the future. It is all due to the hard work of Karena and her team and the Screen Tasmania board.

Ms SLANINKA - At the moment the screen industry in Tasmania is the strongest it has been in 35 years. It is a really exciting time for Tasmania. *The Kettering Incident* is delivering on the strategic plan we launched in 2011. We wanted to focus on long form, ongoing, television drama series because they generate an ongoing spend in the state. They allow for ongoing employment opportunities for Tasmanians and provide professional development and training opportunities. *The Kettering Incident* will be seen by millions of people across the world and that is an amazing promotional and publicity opportunity.

Whilst there are primary outcomes in terms of industry development and economic benefit to the state there are also those secondary benefits in terms of the tourism, the visitation, the promotion and the publicity that is gained through the screen industry. All films reach incredibly wide audiences across a multiplicity of screens and platforms these days. This industry is set to grow and we have done a lot of seed work over the last number of years to increase and improve and advance the industry.

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There is also amazing opportunity in the digital arena and we are a leader in the country in what we have put in place in the digital arena, in multi-platform, in developing content for online and mobile apps, for games and for the web.

Mr VALENTINE - Does Blue Rocket do that?

Ms SLANINKA - Not just Blue Rocket and Roar Film. We have also been supporting and cultivating newer production companies and emerging talent in that sector. There is a great web series called *Noirhouse* which is on the go at the moment, and has just been commissioned. It is the first original commission by ABC iView, so it is original content that will be played out on iView - and that is from Tasmania. We are leading the way in the digital area. For a very small state we do do very well. I hate the term 'punching above our weight', but we do. We do very well and it is a great time for the industry. It is important that we leverage as much as we can and capitalise on what we have already built.

Mr FINCH - A final question. The number of FTEs that you have?

Ms SLANINKA - It is 6.6.

CHAIR - I hope that someone is talking to the people of Kettering, by the way, about taking advantage of that as a tourism opportunity in the long run. As you rightly pointed out, people come and visit locations where television series are filmed. Dream on.

Ms SLANINKA - I was speaking to the head of drama at Foxtel on Monday when they were down doing the script readings for episodes 3 and 4 with all the cast. There is a very high profile cast in *The Kettering Incident* and they are already talking about going to a second series. It will be really exciting if that happens.

Mr FINCH - We will look after them while they are here the first time.

Mr VALENTINE - A very quick question about partnerships. You thrive on partnership, I suppose, don't you?

Ms SLANINKA - It is a really collaborative industry, the screen industry. It is built on networks. It is built on relationships. Screen Tasmania, with the money we have we leverage investment from all sorts of areas. Whenever we put money into something Screen Australia puts money into it, broadcasters put money into it, distributors put money into it, so, the answer is 'yes'.

Mr VALENTINE - Isn't there a way of getting something back into the kitty so that you have got something to work with?

Dr GOODWIN - In a way we do, you think about all the benefits that we will get as we have just discussed from a comparatively modest investment in the Kettering incident.

Mr VALENTINE - What I am saying is through the projects that ScreenTas managed to get up and running if you like -

Dr GOODWIN - Are we talking royalties or something.

Mr VALENTINE - It would be great to be able to get some money back in so that we can -

Dr GOODWIN - We do.

Mr VALENTINE - You do. Okay. Thank you.

CHAIR - We go on to the last bit which is Grants and Subsidies. I am not sure whether anyone has some questions to ask about. Thank you.

Grants and Subsidies -

Mr FINCH - It might have already been covered. Correct me if I am wrong on the forward Estimates there 3 554 in 2016-17 and then that drop off in 2017-18 to 2 962. Can I just have an explanation in respect of that drop off? Page 10.37, table 10.12.

Mr G. DEAN - I think that's to do with Ten Days on the Island.

Dr GOODWIN - Right, yes.

CHAIR - Yes, that is correct if you look at the actual grants and subsidies page, there are four.

Mr FINCH - Probably a question on that, it's roughly a halving in Ten Days on the Island funding so does that spell the end to Ten Days on the Island.

Dr GOODWIN - No, I don't think that is the case, but ultimately I guess that is a matter for Ten Days on the Island.

Ms RATTRAY - Make it five days.

CHAIR - Five days costs just as much as 10.

Dr GOODWIN - One of our election commitments related to Ten Days on the Island, now funding is committed through a legally binding deed which is signed by the previous government until 2016-17 so that deed commits the government until 2016-17 financial year to six instalments of \$1.229 million plus cumulative CPI payments and then funding from 2017-18 will be reduced in line with our election commitment.

I have met variously with chairman of the Ten Days board, Sir Guy Green, and other Ten Days on the Island board members, and with the new artist director David Malacari to discuss the shape of Ten Days on the Island in 2015. We have talked about the need to reinvigorate the festival to build on its past successes and also to ensure its relevance, and how it can maximise the return on the Government's investment in the future. We have had some long standing concerns about Ten Days on the Island and whether it is sufficiently contemporary, whether we are receiving sufficient value for money, and the fact that it is a biennial festival. In fact this year, Ten Days staged an off-year program of activity in the Spiegel Tent as a way of earning income and boosting its presence in the non-festival year.

I guess there is a risk with Ten Days being a long standing festival. With new festivals coming on board and being held annually, there is a risk that it starts to lose its relevance. So they were certainly some of the concerns that we had and that we have discussed with Ten Days on the

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Island. My view would be that, it's probably desirable that we move to a competitive process around festival funding including Ten Days on the Island, but of course as I said we have this binding deed in place and funding is committed until 2016-17 which does give Ten Days the opportunity to reinvigorate itself, make sure it is a contemporary festival which does provide value for money.

Mr FINCH - Or cut their losses and go.

Dr GOODWIN - I think it is focused on the former.

Mr FINCH - Okay, you will reinvigorate with half the funding. That is good.

Dr GOODWIN - They are guaranteed, as I said, to 2016-17.

Mr FINCH - In respect of inflation, we dealt with, in a lot of ways, inflation in the past and we would always make an allocation or salute the fact that inflation would affect budgets. The Tasmanian Symphony Orchestra - \$500 000 a year - steady, all well and good. Theatre Royal - \$178 000 - steady but no provision for inflation in those. Is there any comment to be made on that?

Dr GOODWIN - The \$500 000 for the TSO you are referring to, might be the Icon Funding. They get additional funding as well. That is Icon Funding.

CHAIR - It is still not indexed.

Mr FINCH - It is not indexed.

Dr GOODWIN - Not the Icon Funding. No. In terms of the Government contribution to TSO, that doesn't appear to be indexed either and I am not quite sure why that is.

Mr FINCH - It might be something you could look at, minister.

Dr GOODWIN - Obviously a decision that's been made not to index it.

Ms RATTRAY - It is called 'tough times'.

CHAIR - Minister, we might just about be finished our marathon.

Mr VALENTINE - I am supposed to have one more question but I don't think it can be answered here because the main finance person is not here. I might take it off line with the minister. Is that all right?

Dr GOODWIN - Absolutely.

CHAIR - You have been going since 9 a.m. this morning, so thank you very much. We have all been going since 9 a.m. this morning but we can share it; you have had to take the lead role.

Dr GOODWIN - I thank our Arts Tasmania representatives and departmental representatives for their assistance.

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CHAIR - My apologies that they have had to wait so long to get their little moment. We did want to hear from you and we are very grateful that you have waited and come along at a late hour.

Thank you, minister, we have some questions on notice which will in due course get the answers for.

Dr GOODWIN - Thank you.

CHAIR - Thank you members, thank you Hansard. See you tomorrow morning, same time, same place.

The committee adjourned at 7.28 p.m.